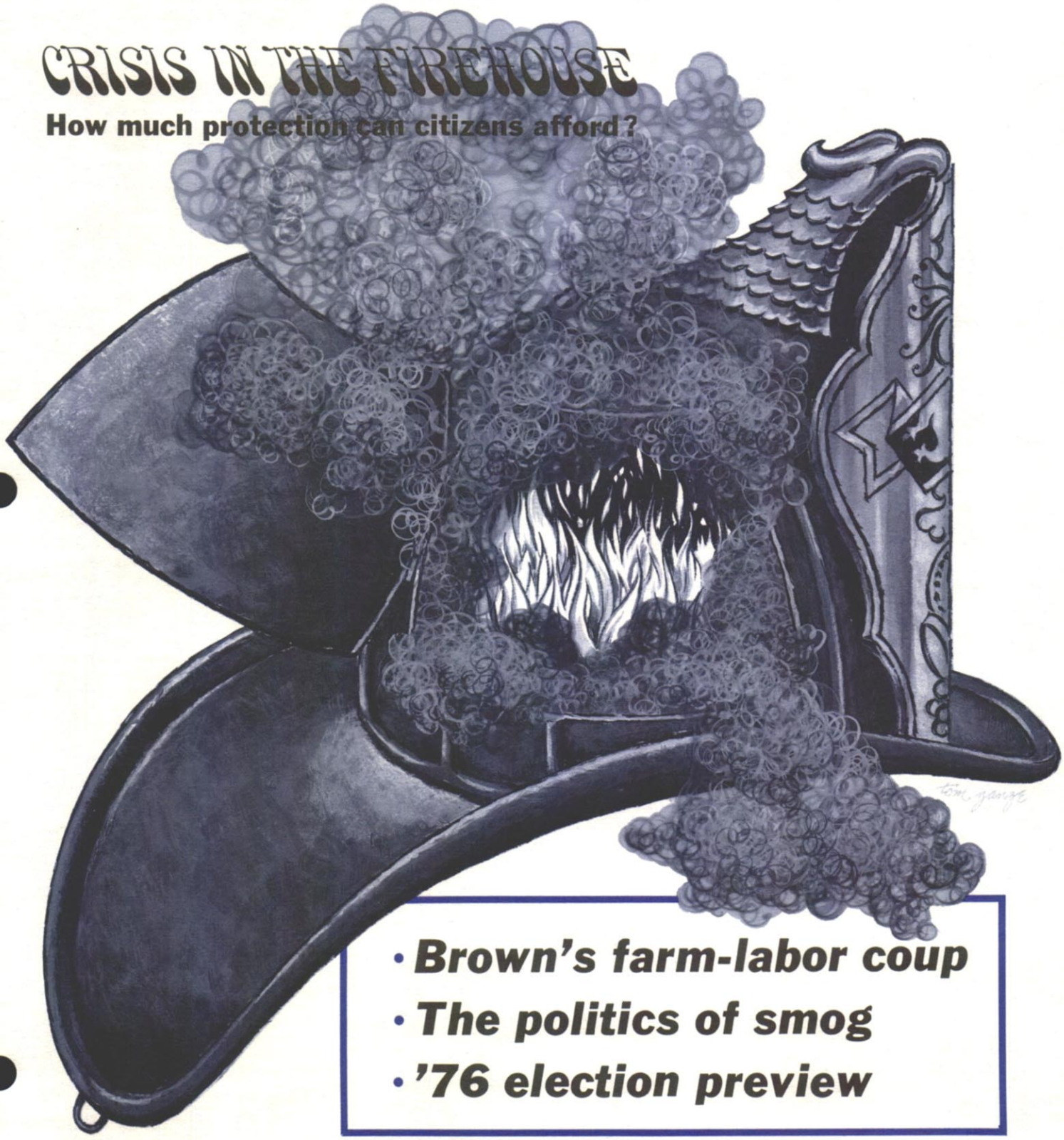
California Journal

THE MONTHLY ANALYSIS OF STATE GOVERNMENT AND POLITICS

CRISIS IN THE FIREHOUSE

How much protection can citizens afford?



- **Brown's farm-labor coup**
- **The politics of smog**
- **'76 election preview**

June 1975 **$1.50**

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A PERSONAL PERSPECTIVE...

By Ed Salzman

Is big business the enemy?

No special alarm was sounded at the start of May when California's unemployment rate hit 10 percent. We had already been conditioned to expect the bad news, and, after all, California was only being victimized by an economic crisis that was affecting the entire nation and even the world. There was no special concern expressed about the report that unemployment for the rest of the country was about 8.8 percent. Californians had been told consistently that there is a traditional percentage-point gap caused in part by different statistical methods used by the mathematicians in Washington.

At the time the 10-percent figure was announced, I happened to be addressing a group of corporation executives brought to Sacramento by the Public Affairs Council of Washington, D.C., for a conference on government in the West. I came away from that meeting convinced that California's economic problem is more than just part of the national recession. The clear message coming from these corporation representatives is that California public officials, and perhaps even the populace at large, is against business. If a company is considering a major expansion program — and that translates directly into jobs — it is apparent that California will be unfavorably considered unless marketing considerations dictate otherwise.

We have heard for many years how California's comparatively high tax rates hinder industrial growth. Yet, business has boomed in California, and the environmental movement is in part a reaction to this development. Are these corporation executives crying wolf again? They may well be, but try for a moment to think about the state government's balance sheet in the field of industrial development. What has California been doing to encourage or discourage economic expansion and employment opportunities?

About the only major program that comes to mind for the plus column is creation of the Pollution Bond Authority and the allocation of $200 million in revenue bonds to help business meet the state's anti-pollution requirements. And that program fell into disrepute when it turned out that most of the bond authorizations went to large corporations with the resources to meet the requirements without state assistance. Now look at what corporation executives find in the negative column:

- Enactment of Proposition 9, which reduces the ability of business firms to lobby the Legislature through wining-and-dining lawmakers and making large campaign contributions through their advocates.
- Passage of the Coastline Conservation Act, which makes it more difficult to develop property along the shoreline.
- The get-tough policy on smog regulations adopted by the Air Resources Board under Tom Quinn, which a businessman translates into increased costs.
- Appointment of Sierra Club officials to head the state Resources Agency.
- The zealous activities of state occupational-safety inspectors under California's stringent new OSHA law.
- The difficulty in winning approval for major construction projects anywhere in the state because of requirements to demonstrate that their environmental impact will not be overly adverse.
- Liberalization of the Public Utilities Commission by Governor Brown, a move that eventually will increase power costs for industrial plants.

These actions, among many others, undoubtedly can be justified from an environmental or consumer viewpoint. The problem, insofar as the state's business image is concerned, is that there are not enough items on the other side to balance the account and enhance California's attraction as a site for industrial expansion. In other words, the industrial magnates of America think California is on an anti-business binge.

* * *

Such an attitude could mean that California will be much slower than the nation as a whole to rebound from the recession. It may mean, too, that relatively higher unemployment for California is here to stay a while. And it may well mean that Californians, through their public officials, don't care about future industrial investment in the state — at least from those companies headquartered elsewhere. Or it may mean that California has achieved a form of economic self-sufficiency that keeps the economy healthy here by virtue of the state's massive market, excellent climate and multitude of important home-based industries.

If California *is on an anti-business binge, it is hardly* by design. The men and women who run our state government have proceeded to take all these pro-environmentalist and pro-consumer actions without considering the overall image on the outside business world. For many years, big business practically owned the Legislature. In recent years, the backlog of anti-business legislation has come to the fore across a broad front and industrial lobbyists no longer have the clout to win every battle. The Legislature a decade ago launched a campaign to eliminate the property tax on business inventories (a levy that helped keep business out of California), but the effort has bogged down at the half-way mark partially because of a dispute over the reimbursement of local government for lost revenue. Had this been an environmental or consumer measure instead of one to help business it probably would have been resolved without much delay.

Perhaps California officials don't care about how tempting California looks in the nation's corporate board rooms. But if they do, they had better start taking steps to balance the ledger.

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CRISIS IN THE FIREHOUSE

Should anything be done to utilize 'spare time' of firemen?

Can Californians afford to meet the demands of fire fighters?

Should property-owners share the tab with the general taxpayers?

By ROBERT FEINBAUM

The American fire service now stands on the verge of its first significant change in nearly half a century. Prodded by graphic fantasies of "towering infernos" the public is slowly awakening to these problems of providing adequate fire protection:

- Manpower and equipment costs have escalated rapidly in the last 10 years.
- Growing employee dissatisfaction has brought strikes and work stoppages.
- The fire-loss record is not improving.

The National Fire Protection Association reports that the United States has by far the most fires, fire damage and deaths due to fire of any industrialized country. Some figures:

- For every 1,000 people in America in 1972 there were 13 fires (a total of almost 2.75 million). Australia, which ranked second worst, suffered barely 7 fires per 1,000 people.
- Nearly 12,000 people lost their lives from fire in America, while in France, Great Britain and Japan *combined* the total was just 2,750.

This country's death rate from fire is nearly twice that of the next ranked nation. And the situation is not improving. From 1950 to 1972 the number of buildings burned increased by two-thirds, property loss quadrupled, and the number of deaths from fire rose by 20 percent. If population growth and inflation in the intervening years are taken into account the figures look a little better. But why, in a nation with the capability of sending a man on a round trip to the moon, isn't the situation getting any better?

Manpower problem

Manpower is the answer that most fire officials would give to that question. There just aren't enough firemen to cover effectively the vast areas of semi-urban wilderness that have mushroomed since the end of World War II, or to protect the decaying cores of metropolitan areas. When pollsters from the National League of Cities recently asked fire chiefs to rank the needs of their departments, more of them cited manpower as the number one need than any other. But fire-service manpower is becoming increasingly expensive. In Los Angeles, for example, the beginning salary for fire fighters rose from $4,500 in 1954 to over $11,500 in 1974 — a 155 percent increase in 20 years. Every other California city has experienced similar surges in fire-fighter salaries.

Over the same 20 years, while salaries rose for firemen, their work hours have dropped. At the end of the Korean War a duty week of 67 hours was common. Now a 56-hour week is the norm in California. Of the seven largest cities in the state, only Long Beach and San Francisco deviate from that figure, the former having a 58-hour week and the latter a 48.7-hour week. Shorter duty weeks mean that additional manpower had to be hired to maintain existing levels of service.

Because of the hazardous nature of their occupation, fire fighters (and police officers) have enjoyed the most liberal retirement benefits in city service. Local public-safety members covered by the state's Public Employee Retirement System (PERS) can retire at age 55 at one-half their maximum pay if they have put in 20 years of service. Firemen who stay on longer can receive higher pensions, and those who choose to retire early (between age 50 and 54) receive correspondingly less. There are also generous disability, death and survivors' benefits, and a cost-of-living adjustment based on the California Consumer Price Index. However, public safety employees in all but one of California's largest cities are not part of the state PERS system. Since their retirement plans are more liberal, they resist incorporation into the state system. In Oakland, for example, the minimum age for firefighters to retire is 46 with 25 years service; this qualifies for a 55-percent pension. And whenever firemen get a raise, corresponding amounts are passed on to those receiving pensions.

A substantial portion of fire-department budgets pay for these retirement benefits. In 1964 for all Western states, contributions to pension plans averaged $5.16 per capita, or about 19 percent of fire budgets. For Glendale, San Francisco, Los Angeles, Anaheim and Long Beach, the figure topped 20 percent. Pensions represent an escalating requirement locked into the cost of operating the fire service, leading at least one former public-safety director to call them the "straw that will break the cities."

In short, increasing wages, shortened work hours, liberal pensions — all have contributed to a tremendous increase in the operating costs of fire departments. Wages and benefits typically make up 90 percent of a department's budget. And there is every indication that employee organizations will keep the pressure on cities to increase both.

Recent negotiations in Oakland provide a case in point

Robert Feinbaum, a consulting social scientist and college teacher, has written about Berkeley and Oakland politics in previous issues of the Journal.

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and a precedent for other California cities. In 1973, Oakland voters approved an initiative sponsored by police and fire associations providing for compulsory arbitration in cases in which city administrators and public-safety employees couldn't agree on contract terms. The main selling point was that compulsory arbitration would avert public-employee strikes. After a series of negotiating sessions, Fire Fighters Local 55 brought the first action under the new law and won a stunning victory. Three major issues — wages, hours, and manning — were involved, and on all of them firemen received nearly everything they requested. City officials offered a 7.5 percent wage increase, the same as had previously been accepted by police and other employees. Arbitrator Arthur B. Jacobs awarded the firemen a total of 8.8 percent, all that they had demanded. Fire fighters asked to reduce duty hours to the level in San Francisco (and nowhere else in the state), from their current 56 hours to 48.7. Arbitrator Jacobs granted a two-stage reduction of four hours, thus lowering the firemen's work week to 52 hours within a year. Most costly of all was the decision with respect to manning the trucks. At the start of the last fiscal year, Oakland cut its fire department's authorized strength by 36, reducing many fire companies from five men to four. Local 55's Jack Doan considered the five-man issue "worth fighting for", citing tests showing that a company's efficiency was reduced nearly 40 percent by the cut of one person. Arbitrator Jacobs agreed. He ruled that trucks would have to be manned by at least five firemen and that the department's authorized strength would have to be increased accordingly. City officials estimated that 50 firemen would have to be added.

The award will cost Oakland $4 million over the next two years. When fully implemented it will increase the fire department's payroll costs by about 30 percent.

Whip-saw effect

The Oakland ruling raises significant problems for city officials. By looking at the rate of inflation, and salaries paid firemen in other places, the arbitrator concluded that fire fighters deserved more than the city was offering. But in doing so he broke the established parity between police and fire salaries. Oakland is now one of the few cities in the state to pay its firemen more than its police. At the next contract go-round Oakland police officers will likely present arguments to show why police should be paid more than firemen. The city will be caught by the whip-saw effect resulting from competition among police, fire and other employees. Other cities now paying police more will come under greater pressure to restore parity.

The hours settlement follows the trend toward a shorter work week, which in many cities in the East has reduced firemen's hours to 40. Another prod in that direction came from Congress when it extended overtime provisions of the Fair Labor Standards Act to cover local public-safety employees. The United States Department of Labor issued regulations at the end of last year gradually reducing the allowable work week before overtime from 240 hours per 28-day period this year to 216 hours in 1977. The estimated cost nationally would be about $27 million for 1975, rising rapidly after that. Immediately after these regulations were issued, the National League of Cities filed suit, charging that they infringed upon the decision-making powers of local governments. United States Chief Justice Warren Burger issued a stay until the case is heard.

Racial question

While costs have been escalating, the fire service has come under attack from representatives of minority groups charging discrimination in hiring and projection of hostile attitudes toward minorities.

In most cities, whites dominate the fire service. Among 193 American cities with populations exceeding 50,000, minority-group members constituted 4 percent of the fire-fighting force and barely 1 percent of the officers. The proportion was higher for larger cities, but even in cities with more than half a million people only 9 percent of the firemen came from minority groups.

Many departments now report special efforts to recruit minorities and to improve community relations. San Francisco, for example, has an active community-relations bureau whose activities have included arranging visits to schools, publishing a monthly public-relations bulletin for fire fighters, sponsoring a training program for fire-safety technicians (financed by the federal Office of Economic Opportunity) and conducting classes to prepare minority-group members for the fire-department entrance examination.

Still, results have been slow in coming. City officials and firemen both realize that standards for selection and promotion will have to be re-evaluated if the number of minorities in the fire service is to be increased substantially. Nowhere has such an effort been more intensive than in the City of Berkeley, and nowhere has the response from firemen been quicker in coming.

Berkeley's affirmative action

In 1972 Berkeley adopted an affirmative action program covering all city departments. Its aim was to achieve the same proportion of minority groups in each category of city service as in the city population as a whole. To move in that direction, each agency was ordered to develop goals and timetables for hiring. Any written examinations used to set up eligibility lists had to be clearly job-related. The personnel director for each department would determine which racial (or sexual) categories were most "under-utilized" and then qualified applicants in those categories would be hired or promoted unless the city manager granted a written waiver.

The Berkeley Fire Department had further to go to reach its goals than most other city departments. Since resignations are not common in the fire service, the department depended on retirements to provide the "ammunition for a meaningful attack on under-utilization." During the first year it was anticipated that four

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fire-officer and eight fire-fighter positions would become vacant, and the department set the goal of hiring one Black officer and all Black, Asian and/or Spanish-surnamed firemen. By 1978, four more officer and six more fire-fighter positions would open up; according to the timetable, all would be filled by minority-group members. To meet affirmative-action goals, the city would have to reduce the number of years of service required to qualify for the test for lieutenant or captain, and to allow lateral entry into top positions from outside the department.

Eight white fire fighters and 15 fire-fighter applicants brought court action against the affirmative-action plan, charging discrimination by means of racial quotas, non-competitive examinations and preferential hiring not dependent on merit, experience or record. Judge Lyle Cook of Alameda County Superior Court agreed with the plaintiffs, ruling that Berkeley's affirmative action program was "arbitrary and discriminatory". Cook granted an injunction against use of the program in the fire department. While Berkeley's city manager expects to appeal the decision, the city is blocked for now from using the plan.

Yet, demands to hire more minorities to better reflect the composition of the community will undoubtedly persist in Berkeley and elsewhere. These, together with pressures for greater efficiency imposed by sharply rising labor costs, will lead many administrators to think about new approaches to providing fire protection.

Obstacles to change

There are, however, obstacles to change. There is a nearly universal feeling among fire officials that unless someone has actually stood face to face with a conflagration, he cannot really understand the needs of a fire department. Fire fighting is a dangerous, emergency service, depending on the speed and adequacy of the firemen's response. The fire service is everywhere organized along military lines. The chief is commander, often taking personal charge of fire-fighting operations. Generally, beneath the chief there are divisions of fire prevention, training, and maintenance and services, but operations is the focal point, in terms of both action and manpower. Consequently, other divisions — particularly fire prevention and training — often feel slighted. In Oakland, 94 percent of the budget is spent for fire fighting and only around 4 percent for training and fire prevention.

The basic fire-fighting unit is a company ideally composed of six persons, but for budgetary reasons usually made up of three to five. Response to a residential first alarm in most urban areas will bring two engine companies, one truck company and a chief's car. In Oakland, this means 17 men.

In recent years fire departments have started to employ civilians in staff capacities. Not only has this usually saved them money but it has gotten skilled people to do jobs that firemen couldn't do or couldn't do as well. But civilian employees are often treated warily by line personnel, and regarded with suspicion if they happen to be involved in making policy. Personnel expert Millie Bowers concludes that civilian employment has been "retarded by the strong distrust many fire fighters have of 'outsiders'."

Fire officers almost invariably come from within. In Oakland and many other departments, promotional examinations are closed to anyone not having a certain number of years of service in the department. A new man is likely to be brought in at the very top only if city officials feel that a shake-up of the department is needed. The major reason for this in-breeding relates to the pension system. For departments not part of the state system, pension rights are non-transferable. To take an appointment in another department means loss of all accumulated benefits. In addition, pensions are only paid to men with a minimum number of years of service. So in any fire department there are likely to be men waiting out the last couple of years until they become eligible for retirement.

Both recruitment from within, and "time-servers" hanging on to gain pension rights contribute heavily to the conservatism noted in most fire departments.

Ratings and the status quo

The insurance industry's rating system, developed for grading local fire defenses, is another powerful bulwark of the status quo. Fire Chief David Gratz has written: "Most fire-department managers and city officials are acutely aware of the fire-protection standards set down by the Grading Schedule. They know that the department and the city do not *have* to meet these standards because they are not enforceable by law. At the same time management — city and department — all recognize that failure to meet the standards can have a major impact on the community in the form of increased fire-insurance premiums."

The Grading Schedule was developed early in the century after serious conflagrations swept through a number of American cities. Behind it was the idea that the cities that could best cope with potential fire disasters would be better insurance risks. Although the schedule has been revised several times between 1916, when it was first issued, and 1974, it has been criticized by city officials as requiring unnecessarily high levels of fire protection. In rating fire departments, the Insurance Service Office (successor to the American Insurance Association) concentrates on manning levels, equipment and distribution of fire stations. The ISO has decided that six-man fire companies should be the norm, and deducts points from departments that don't meet that standard (few do). The insurance investigators have also set down distance standards in order to evaluate the department's ability to respond to alarms. Although terrain enters into their computations, in high-value districts, generally, no portion should be more than three-quarters of a mile from an engine company and one mile from a truck company; in residential areas the distances increase to 1½ miles for engine and three miles for truck companies.

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Chief Gratz pointed out that many city and fire officials consider the Grading Schedule to be the "yardstick for evaluating fire department efficiency." However, the schedule was really designed to minimize potential large property losses and not for measuring fire-department operations. The result has been that many departments have been staffed and equipped to handle the large-loss fire — an extremely expensive proposition since large-loss fires represent only a small fraction of all fires.

Whenever changes are proposed in manning or organization of the fire department, the first thoughts of administrators turn to the requirements set forth in the Grading Schedule. Could the contemplated changes affect the city's classification?

Round-the-clock defense

Since there is never any sure way of telling when fires will start, coverage is needed round-the-clock. In many California cities fire fighters spend 24 hours on duty, followed by 48 hours off. William Danielson, Sacramento's personnel director, once calculated that the 56-hour fire-duty schedule required working 110 24-hour shifts, with 254 full days off during the year. If the duty week were decreased to 40 hours, as the International Association of Fire Fighters once proposed, and 24-hour shifts were maintained, firemen would work only 79 full 24-hour days while being off 285 days.

With such schedules, it is not surprising that most firemen hold down second jobs. According to a recent study in Wichita, Kansas, slightly more than three-quarters of all firemen were moonlighting — particularly the younger men with families. City administrators are unhappy with the situation, but firemen retort that as long as they do the job the city pays them for, it shouldn't be anybody's business how they spend their off-hours.

Most fire fighters would strongly oppose switching from the 24-hour shift. "It's an emotional thing with us," said Jack Doan of Local 55. Having free days during the week has become a valued part of the fireman's lifestyle. When they are on duty, a fireman spends only a small part of his time putting out fires. Former City Manager George Bean of San Diego found a number of years ago that 67 percent of a fire fighters' duty time is "unproductive", spent in eating and sleeping or standing-by. "An additional 14 percent of his time is spent in housekeeping duties made necessary by the live-in system," Bean reported, and only 19 percent was being used for "productive activity" — training, maintaining equipment and responding to alarms (1.3 percent of the total).

Firemen react strongly to suggestions that much of their time is spent non-productively. How much of a police patrolman's time, they ask, is spent apprehending criminals?

Firemen's strikes

For years the fire fighters have been the most highly organized group of workers in city service. More than three-quarters of them belong to the International Association of Fire Fighters (AFL-CIO). From the time of its founding in 1919 the IAFF was one of the few unions to have a no-strike clause in its constitution. Then in 1968, responding to growing militancy among the rank-and-file, the association's annual convention removed the no-strike provision. Still, fire fighters are reluctant to strike. The IAFF and its locals have been active in trying to bring collective bargaining into the public safety field. And in California they have pushed for binding arbitration as a means of resolving disputes with city administrators that have reached an impasse.

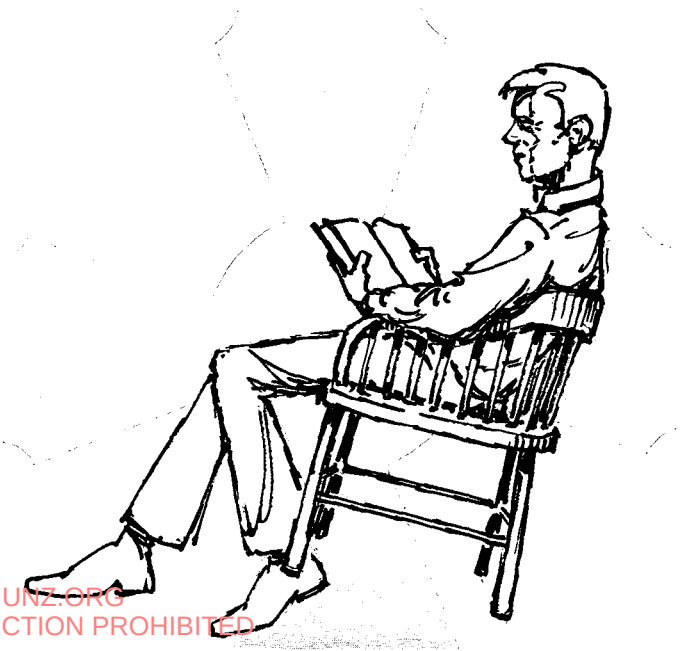
Increasing efficiency

To fire fighters, collective bargaining means more than union recognition, formal contracts and negotiations over wages and hours. It means bargaining over working conditions and, eventually, making all policy decisions affecting firemen subject to joint determination. When Oakland administrators cut fire-department manpower for budgetary reasons, the officials regarded their action as a proper management function. Union officials disagreed, however, believing that the cuts affected the safety of their members. Since the arbitrators' order concerning manning, city officials will look toward some reorganization of fire service, perhaps even consolidation and relocation of a number of fire stations.

Public administrators have tried various ways to increase the efficiency of their fire departments. Some have been more readily accepted than others, but none seems to hold the entire answer to better fire protection, given the variety of conditions found throughout California. Here are some:

Extra duties. Perhaps the most widely tried innovation has been to give fire fighters something extra to do in their stand-by time. Pasadena began in 1967 to have on-duty firemen inspect its 30,000 single-family dwellings. Elsewhere, firehouses have been turned into "little city halls" and firemen charged with responsibility for bridging the gap between city government and the citizenry, a practice that has been criticized as irrelevant to the job of saving life and property from fire or disaster. "There is a regrettable tendency sometimes to give firemen unrelated work just because they have the time to do it," said William Clark, an expert on fire-department management. Clark and other fire officials argue that unless fire fighters are instantly available to respond to emergencies, the department's efficiency will decrease.

Consolidation. Small fire departments are often unable to cope with the potential dangers they face. Warren Kimball, the NFPA's fire service department manager, believes that "not until a city exceeds 100,000 population does it have a fire department capable of adequately responding to multiple-alarm fires and of maintaining effective coverage for any subsequent fires." In



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SOME MINIMUM-MAXIMUM SALARIES

	1954	1964	1974
Los Angeles			
Police	$4500-5280	$7296-8580	$11568-15576
Fire	4500-5280	7296-8580	11568-14760
San Francisco			
Police	4680-5280	7716-8316	14448-15048
Fire	4680-5280	7704-8316	14448-15048
Oakland			
Police	4740-5100	7752-8268	13608-15048
Fire	4740-5100	7752-8268	13608-15048

Source: *Municipal Yearbook*

California the growth of shopping centers, manufacturing plants and housing tracts in previously undeveloped areas has created serious problems for fire fighters. One response has been to consolidate small fire districts. In Contra Costa County from 1964 to 1969 a number of small districts were merged into a Consolidated Fire District, with a subsequent reduction in taxes and insurance rates, elimination of duplicated services, personnel and equipment, and improved service and better training. First-alarm response increased 30 percent and ladder-truck service was extended to the entire area.

Systems analysis. Garden Grove in Orange County recently hired a consulting team to develop a new fire-protection plan. The consultants recommended that three new firehouses be constructed. To pay for the stations, money was to come from salary savings produced by eliminating a rescue unit (and transferring its functions to engine companies) and a few fire-fighter positions. The study revealed that 98 percent of fire emergencies were handled by the first arriving unit and that few fires required use of large hose lines. So the consultants recommended that sparsely populated areas of the city be served by two-man satellite companies backed up by a "task force group" of two engines and a truck company. And radios were to be installed in each fire fighter's home so that he could be quickly recalled in case of a multiple-alarm fire. Such recommendations are aimed at economizing the most expensive element in fire protection, namely manpower.

Public-safety departments. Recognizing that a large share of police time is devoted to routine patrol, and perhaps a greater fraction of fire fighters' to standing-by, administrators have experimented with combining police and fire functions. Efforts have ranged from cross-training members of the two departments so that they could aid each other in emergencies to total integration of police and fire departments. Some city officials feel that emergencies can be controlled as quickly and effectively by officers equipped to handle either fire or police work as by specialists in one or the other. And while the greater skill and training required for such personnel would lead to higher salaries, savings could come through reducing manpower. Police and fire organizations agree in condemning public-safety departments as likely to lead to poorer service. A number of municipalities that tried to combine police and fire departments abandoned the experiment. The City of Buena Park, for example, had an integrated department from 1953 until 1956, when separate departments were voted in. On the other hand, Sunnyvale in Santa Clara County created a public-safety department in 1950 "to be more flexible and responsive to community-safety needs and achieve economies in manpower without reduction of service levels." In 25 years the city has grown tenfold in population, but the department is still unified under one chief. Officers alternate three-year tours between the fire and police divisions. Every police car carries turn-out gear and equipment for fire fighting, and when an alarm sounds, the nearest patrol unit responds and immediately begins rescue or other fire work. This way of responding to fires allows Sunnyvale to assign fewer men to station houses than in the case of a conventional department. Even with fewer assigned fire personnel, however, Sunnyvale was able to place more men at the fire scene than any of its neighboring cities.

It is unlikely that police and fire functions could be combined into a single department in most cities. Oakland, for example, has so much crime and so many fires that specialization is necessary to deal effectively with them. Certainly in cities with strong fire organizations and collective-bargaining agreements the shift would be next to impossible.

Technology. Fire departments have been slow to develop and apply new technology. Some critics even claim that the last major shift in fire fighting occurred nearly half a century ago when motorized vehicles replaced horses. Some break-throughs in technology do appear in the offing, however, although most will take some time and require a great deal of testing before coming into general use. New fire-extinguishing agents — such as high-expansion foam, light water and chemical powders — show promise. Infrared heat detectors hold out the possibility of earlier detection of fires and greater effectiveness in fire-department operations. New protective clothing, better-designed breathing apparatus and lightweight hose seem likely to allow fire fighters greater maneuverability at fires. Further development of mini-pumpers with two-man crews may answer a need for protection in scattered residential areas, while remote-controlled vehicles and automatic hydrants may help the fight against large blazes. Another influence on fire department manning may come from building regulations now in effect in California requiring automatic sprinklers and smoke-detection devices in all new high-rise construction. Since sprinklers have been shown to extinguish 96 to 98 percent of fires, their widespread use may allow revision of the response necessary in high-value districts and, consequently, a reduction in over-all fire department manpower.

Funding problems

Unlike other city departments, the fire service is financed entirely from local revenue. In fact, fire officials cast an envious eye on police departments, which now receive substantial sums from the federal government through the Law Enforcement Assistance Act. The 1968 Fire Research and Safety Ait resulted in appointment of a national commission which recently issued a report calling on Congress to create a United States Fire Administration and fund it to the tune of $125 million. But so far there has been no response. Whatever help is forthcoming from Washington, however, will undoubtedly be for research, training and, perhaps, equipment — not for operating expenses. Thus, city officials will have to continue to seek ways to increase efficiency and cut manpower.

If these efforts prove insufficient to halt the cost spiral, communities may well be faced with a fundamental problem: How much fire protection *should* be provided by public agencies, and how much should be the responsibility of the property-owner? Opening up this issue may well create the most important changes in the fire service since motorized vehicles replaced horse-drawn wagons half a century ago.

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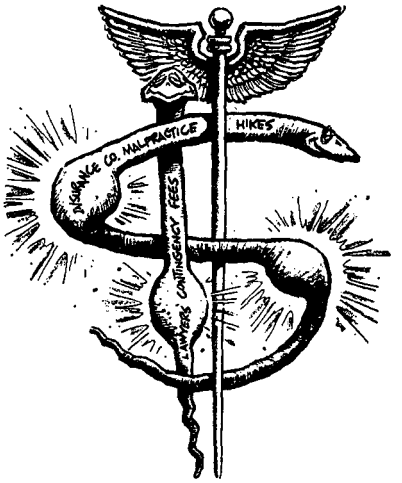
Curing malpractice



Editorial Cartoon by Paul Conrad
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Doctors, lawyers, insurance chiefs . . . will they swallow the needed medicine?

When we left the medical malpractice mess last [see "Surgeon's sickness: medical malpractice," *CJ*, October 1974] a special Assembly committee had just reported that far-reaching reforms were needed to make the system operate fairly. What had developed was an adversary relationship between physicians and their aggrieved patients. And an all-but-declared war had broken out between two of the state's most affluent professions — doctors and lawyers — while standing by, jacking up malpractice premiums with little restraint upon it, was the insurance industry. But, despite the committee's work, no leadership emerged to push for the sort of comprehensive medical malpractice reform that had been called for.

Then, on May 1st, the ointment hit the fan. Argonaut Insurance Company, which deals out malpractice insurance in the nine counties rimming San Francisco Bay, announced that its malpractice business was a loser and that dramatic increases in premiums were needed to remedy that [see box]. Those new rates, guaranteed only through July, when Argonaut may suspend its coverage altogether, contrast starkly with those levied elsewhere in the state for the same sort of policy — $1 million per claim and $3 million maximum in damages per year.

When those new rates took effect May 1st, the doctors took a turn for the worse and rapidly became radicalized, with anesthesiologists generally leading the way and withholding their services in non-emergency cases. Groups of physicians roamed the Captiol pleading their case, just as farm workers were doing at the same time and as welfare recipients had been doing for a decade. The doctors had taken the offensive against the lawyers by circulating initiative petitions designed to reduce the incentive for lawyers to handle malpractice cases. While an attorney now might receive one-third of any affirmative verdict, the initiative would guarantee that the plaintiff get at least 90 percent of any award. The result was a flurry of legislative activity and negotiations between Assembly Speaker Leo McCarthy and medical and insurance representatives to find fast, fast, fast relief from what the physicians diagnosed as acute price-gouging.

To speed recovery, pressure mounted on the Governor to call a special session of the Legislature. Brown, at first, downplayed the urgency of the case while calling on the principals to come up with a solution. Finally, on May 16th, the Governor declared a special session to commence on the 19th. But he offered no band-aid approach.

Indeed, the heart of Brown's recommendations to the Legislature was to revamp the Board of Medical Examiners by putting a majority of non-physicians, or medical consumers, on it in place of the 10 physicians and one non-doctor (an attorney, as it happens) who now constitute it. Brown wants that board's authority to withdraw a doctor's certificate to practice increased (there have been only 15-20 decertifications since 1968, when malpractice claims began to increase substantially). And he wants the board to insure that doctors, once licensed to practice here, keep up in their specialty. He thinks that the board should also address the problem of evening the distribution of physicians around the state, and proposed creation of a sort of "medical Peace Corps" to provide medical care where it's now absent.

The Brown reform plan would also extend to hospital rates, bed capacity and use of hospital facilities. He asked the lawmakers to create a voluntary system of binding arbitration to settle malpractice claims, set a "reasonable" limit on a lawyer's contingency fee, and also limit compensation for "pain and suffering", while backing "fully compensated" medical costs and loss of income due to injury.

Calling the special session, which will run concurrently with the regular session (and with other special sessions called to create a state housing-financing agency and consider farm-labor bills), has a number of advantages, among them:

- It bypasses the regular session's calendar for processing legislation.
- Any bills enacted can take effect 90 days after the special session adjourns, instead of waiting until next January 1st.
- While a two-thirds majority of the Legislature can transform a bill into an urgency measure taking effect immediately on the Governor's signing it, a state agency cannot be created by urgency statute but can be through special-session legislation.

"It is critical that the Legislature enact laws that will change the relationship between the patient and the medical profession, the legal profession and the insurance industry," the Governor said, so that medical costs do not needlessly rise. Such a change requires far more radical medicine than the two-aspirin-and-plenty-of-rest approach taken by past Legislatures. BRUCE KEPPEL

Cost of malpractice insurance

Malpractice insurance provides up to $1 million per claim with a maximum payment of $3 million in a year. But the premium, as of May 1st, varies widely depending on where the doctor practices and on the relative risk of his treatment. The chart below compares the premiums in the lowest-risk category (no surgery performed) and the highest-risk category (anesthesiologists and neurosurgeons, for example) in seven Southern California counties, nine Bay Area counties, and 23 Northern California counties:

Los Angeles	San Francisco	Northern
$ 720 (lowest)	$ 3,816 (lowest)	$1,032 (lowest)
$6,304 (highest)	$18,164 (highest)	$4,920 (highest)

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Brown's farm-labor coup

Agreement became possible once the rhetoric stopped

By CHRIS BOWMAN

The dusty back roads of California have for the past decade been the scene of countless outbreaks of violence over the efforts of Cesar Chavez's United Farm Workers union to represent California's 250,000 field workers. The Legislature tried repeatedly to solve the problem by enacting legislation modeled on the National Labor Relations Act, but the three-sided contest involving the AFL-CIO, the Teamsters Union and the growers led repeatedly to stalemate. With the election of an overwhelming Democratic Legislature last November, Chavez expected to get a bill shaped to suit his union's needs. Meanwhile, the growers and the Teamsters (who had whipped Chavez in battles for representation of farm workers) were uniting behind a rival measure authored by Democratic Senator George Zenovich of Fresno. But in April, Governor Edmund G. Brown Jr., who once marched with Cesar Chavez, jumped into the boiling cauldron with a compromise measure that at first was welcomed by hardly anyone, least of all the Chavez forces. Teamsters and growers held their fire, but United Farm Workers spokesmen and Chicano legislators, pushing hard for their own bill authored by Assemblyman Richard Alatorre, lashed out against the Governor's proposal. Chavez sent Zenovich a letter saying that all bills except Alatorre's were "unacceptable, unworkable and unamendable." Zenovich interpreted this to mean that Chavez wanted no bill at all.

Entering the fray was an obvious political risk for Brown. He had no reason to expect that success would come easily, and it was possible that he could be blamed for throwing a monkey wrench into the complex machinery and for preventing a resolution of the problem. But, realistically, once Brown's bill was in the hopper, it was the only one that could pass. It provided legislators with a way to enact a bill without seeming to choose between any of the three major forces. But Brown's calculated risk turned out to be a mammoth coup, and eventually he managed to win agreement from all the major parties for a compromise bill carried by Senator John Dunlap and Assemblyman Howard Berman. How did Brown pull off this balancing act that won him national recognition and that could provide a model for federal farm-labor legislation?

The Governor's campaign started with an analysis of the issues by Rose Elizabeth Bird, his secretary of agriculture and services. Bird and other members of the administration concluded that a compromise could be reached if the parties could be brought to the bargaining table. There were these elements to be satisfied: the various grower groups, the Teamsters, Chavez, the rest of organized labor and the Legislature. Bird met with the growers and Chavez's representatives — the Teamsters decided not to participate at this stage — and she attempted to reach a middle ground. She eventually saw that a deal was possible.

At this point, politics replaced draftsmanship, and Brown brought legislators, growers and others into his office for discussions. His biggest task was to convince all sides that this attempt was different from all that preceded it and that it was time now to talk about specific points in the measure, leaving the rhetoric aside. Once rhetoric was replaced by real negotiations, Brown was on his way to victory. In a dramatic late-night negotiating session, agreement was reached with the growers, Chavez and key legislators. The occasion marked the deliverance of the nation's first labor-relations agreement for farm workers. Brown had emerged from the cauldron unscathed, but there were still problems to be solved.

At this point, two major roadblocks developed. First, the Teamsters, who had little to gain from enactment of any bill, claimed that the compromise would invalidate all their present farm-labor contracts. Bird denied this, maintaining that contracts were not *automatically* voided but, instead, *voidable* when a new representation election was obtained. (The question of the legality of eradicating valid contracts remains to be answered.) Then, the building-trade unions within the AFL-CIO raised a fuss over the possibility that the new law could allow farm workers instead of tradesmen to be hired for construction jobs on farms. Bird said the building trades were protected.

In both these cases, the administration's intent was not in conflict with what the protestors were seeking; the disagreement was over words. On May 19th, with

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The author, state editor of the student newspaper at UC Davis, wrote "Earthquake/2000" in the January 1975 Journal.

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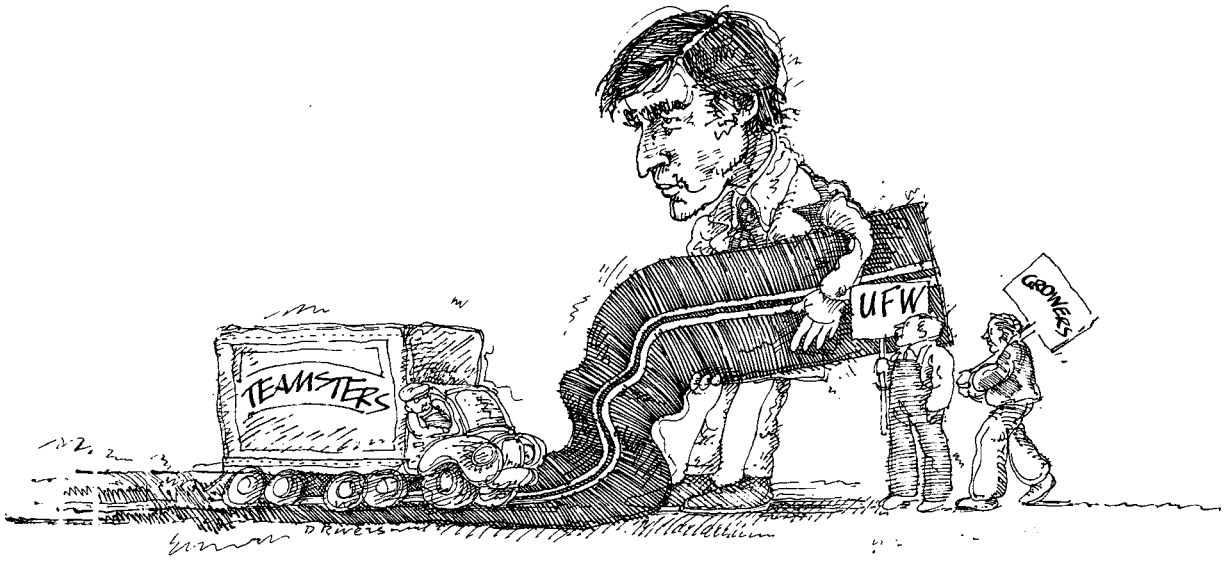

the compromise bill in trouble before the Senate Finance Committee, Brown negotiated a second compromise giving the Teamsters and the building trades the language they wanted. At the same time, he promised Chavez that the issue would be placed on the special-session call so that the bill could take effect in time for the 1975 grape harvest this fall instead of next January 1st.

The reason for Brown's success probably lies in the needs of the two main forces — Chavez's United Farm Workers and the growers. While most Californians were not aware of the effectiveness of the UFW boycott on grapes, lettuce and some wine, it was making big dents in the East and in Europe. Chilean grapes in large numbers were starting to appear in Eastern markets. Gallo wine was being removed from some New York liquor stores. Sweden honored the boycott. Chavez, meanwhile, needed something to give him a chance to regain the offensive in the fields after having lost almost all his contracts to the Teamsters. Legislators were tired of being whipsawed between groups. Brown made their life easier by taking most of the heat. The Teamsters, who had little to gain, were the biggest losers, but they were eventually forced to accept the compromise.

Talking specifics

Bringing the disputing forces together was a major achievement in view of the years of fighting between the two groups — often physical fights and always economic battles. Politically, the two agricultural forces have been polarized. As a result, the nearly 40 farm-labor bills introduced in the last decade have been mostly proposals put forward by one side or the other. So farm-labor issues have been beclouded by rhetoric. Brown managed to turn the talk to such specific proposals as these:

Size of bargaining unit. Which workers on a farm would be covered by a collective-bargaining unit?
Existing contracts. Should collective-bargaining agreements entered before enactment of the law be invalidated?
Secondary boycotts. Should farm workers be permitted to use this weapon and, if so, how?

Much UFW opposition over Brown's original compromise centered on what was viewed as ambiguous language on these three important items. Jerry Cohen, chief UFW attorney, called the bill "deceptive". Three Chicano legislators (Art Torres, Richard Alatorre and Joseph Montoya) accused Brown of adopting a "racist" farm-labor policy. But once Brown, UFW officials and key legislators began negotiating details, the opposition changed to maneuvering for the most favorable law possible before announcing support for the package. Before his bill ever reached legislative debate, Brown introduced 26 amendments in an effort to win the support of both Chavez and the growers. The Governor personally drafted the amendments after synthesizing what he had heard from the competing groups in the three weeks of negotiations. The amendments won the support of both sides, although neither refused to say so openly. Mistrust and fear bred caution lest an endorsement by one side trigger opposition by the other. That's why Brown called the pivotal late-night meeting in the privacy of his office. Going into that session, neither party had made any commitment.

Secondary boycotts

A key compromise turned upon the distinction between prohibiting secondary boycotts (for example, picketing stores selling produce picked under disputed working conditions) *before* a bargaining unit was certified and its use by a *certified* union. This allows the boycott to be used as a collective-bargaining tool but not as a device to force a grower to extend recognition to a particular union. This was one reason why growers lined up behind Brown, but there were more important factors motivating the growers to compromise, among them:

- Chavez' grape and lettuce boycotts were hurting, and the proposed law would limit use of this tactic.
- Many growers felt that the bill was the best they could get and that the alternative was more years of unregulated struggle or a bill even less suited to the growers.

Teamsters' absence

Notably absent from negotiations over Brown's plan were the Teamsters who, until Brown struck an alliance between growers and Chavez, maintained a low profile in the dispute. Although praising Brown's proposal when first unveiled, the 13-state Western Conference of Teamsters withheld endorsement and later opposed the measure, primarily because of concern that it would invalidate the 400 existing contracts Teamsters signed with growers covering more than 50,000 workers.

The disposition of existing contracts was the most important issue separating the Teamsters from the UFW. Permission for farm workers to challenge these Teamster-grower pacts was a key to winning the support of Chavez, who claims that the Teamster contracts in the grape and vegetable sectors were "hijacked" from his union in 1970. To the UFW, they are "sweetheart contracts" negotiated over the heads of the workers. The Teamsters dispute that contention, arguing that the contracts were legitimately arrived at and are no different from UFW contracts. According to the growers, UFW did a

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Major farm labor legislation, 1975

This is how the farm-labor bills stood before the Brown compromise measure was amended extensively. AB 1 was sponsored by Cesar Chavez, SB 308 by the Teamsters (a grower-backed bill was substantially merged into SB 308), and SB 813 by Brown.

	ALATORRE (AB 1)	ZENOVICH (SB 308)	DUNLAP (SB 813)	Compromise
SELECTING REPRESENTATIVES				
Secret ballot election.	✓	✓	✓	✓
Recognitional strikes.	✓	–	–	–
Secret ballot elections with a "no-union" option.	–	✓	–	✓
ELECTION TIMING				
Within seven days after petition filed.	–	–	✓	✓
Within five days after petition filed.	✓	–	–	–
Within 48 hours, if possible, after petition filed, if majority of workers on strike.	–	–	✓	✓
Permits expedited election when no recognitional picketing.	–	✓	✓	✓
To be determined by board.	–	✓	–	–
VOTER ELIGIBILITY				
Employees on payroll immediately before petition filing.	✓	–	✓	✓
All employees who left work due to work stoppage and are not working elsewhere.	✓	–	–	–
Employees terminated due to unfair election practice.	✓	–	–	–
All employees discharged after petition filing.	–	–	✓	✓
Persons displaced by strike.	✓	–	–	✓
To be determined by board.	–	✓	–	–
LABOR PRACTICES				
Secondary Boycott				
Full prohibition.	–	✓	–	–
No restriction.	✓	–	–	–
• No restriction on secondary boycott by certified union to secure collective-bargaining agreement with primary employer.	–	–	✓	–
• Permits appeals to consumers to not patronize a neutral employer where no election held in last 12 months or no union certified.	–	–	✓	✓
• Permits boycott publicity asking consumers not to buy a specific product at neutral employer's place of business.	✓	–	✓	✓
• Prohibits forcing employees of a neutral employer to strike or cease work to pressure employer to stop doing business with primary employer.	–	–	–	✓
Recognitional Picketing				
Prohibited.	–	–	–	✓
No restrictions.	✓	–	–	–
Allowed for up to 30 days before filing petition. Used only when no union is certified or where no election has been held within last 12 months.	–	✓	✓	✓
Strikes				
Recognitional strikes allowed.	✓	–	–	–
Strikes at harvest permitted.	✓	✓	✓	✓
BARGAINING UNIT				
Board selects between employer, craft or farm units, or a subdivision of these units.	–	✓	–	–
Board selects between employer, craft or farm units.				
Only employer unit permitted unless employees work in non-contiguous areas, in which case the board picks the unit.	✓	–	–	✓
Board selects most appropriate unit, but employer unit favored.	–	–	✓	–
EXISTING CONTRACTS				
Permits contracts in force when act takes effect to be challenged through election.	✓	–	✓	✓
COURT REVIEW				
A 24-hour notice before court orders are sought banning pickets.	–	–	–	✓
Board may ask a superior court to enforce its orders.	–	✓	✓	–
Parties hurt by a board order may obtain court review.	–	✓	–	–
Parties hurt by a board order may obtain a review in court of appeals.	✓	–	✓	✓
Courts prohibited from issuing injunctions or restraining orders in agricultural labor disputes.	✓	–	–	–
ADMINISTRATION				
Five-member full-time board (two labor, two agricultural, one public).	–	✓	–	–
Five-member full-time board (no specified representation).	–	–	✓	✓
Board required to create up to four regional councils whose membership and function would be set forth.	✓	–	–	–

poor job administering the contracts it signed in 1967, when Chavez had a clear-shot at organizing all the field workers [See *CJ*, September 1974]. Whether Chavez's contracts were lost through mismanagement or through Teamster-grower collusion is an issue that could be determined by holding secret-ballot elections to ratify union representation of workers — or by the courts.

Who won?

What happens after the bill is enacted by the Legislature and the new Agricultural Labor Relations Board goes to work will determine who the winners and losers will be. But clearly Brown emerged as the biggest political victor; he laid his reputation on the chopping block and came away with the executioner's head. The Teamsters went into the organization of field workers primarily to protect their cannery workers and truckers who would be economically hurt by a major harvest-time strike. Now, the Teamsters face a ranch-by-ranch struggle to maintain their current contracts, and the consensus seems to be that the Teamsters and Chavez will both win some and lose some. For the growers, the bill will be some help because Chavez's prime tool, the secondary boycott, will be weakened somewhat and because there will be the no-union alternative on the ballot. For Chavez, the compromise is a victory *if* he can win the representation elections. He can still call strikes at harvest time, he will get secret elections to challenge Teamster contracts, and he will still be able to conduct limited secondary boycotts.

With passage of the Brown compromise, Cesar Chavez will cease to be primarily a charismatic figure leading flag-carrying followers on a crusade for justice in the fields. Now, Chavez will have to become more of a standard labor-union leader convincing workers why they should choose his organization — and then learning how to administer those contracts he does win.

For Californians, Brown's compromise probably means peace in the valleys, much as the National Labor Relations Act brought labor-management peace to the cities. For the Legislature, it means a large monkey off the back. For Brown, it means that, if he accomplishes nothing more during 1975, his first year as governor will have been a success.

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CAMPAIGN 76

· Tunney the top Republican target

· State Senate--the GOP danger zone

· Slight gains possible elsewhere

By ED SALZMAN

There can be no minimizing the magnitude of Shirley Pettis' victory in the special election to fill the vacancy caused by the death of her husband, Republican Congressman Jerry Pettis, in the 37th district covering eastern Riverside and San Bernardino counties. She amassed 60 percent of the vote in a 13-candidate field that included another Pettis, Democrat Ron Pettis (no relation), who finished a poor second, more than 40,000 votes behind the leader. (Votes cast for the four top candidates: Shirley Pettis, 53,103; Ron Pettis, 12,920; Democrat James Mayfield, 11,126; Republican Frank Bogert, 4,761.) Little wonder, then, that Republican officials grasped the Pettis victory as an indicator that the Grand Old Party now is off the mat and ready to contest the Democrats in 1976. Declared Norm Turnette of Covina, Republican congressional campaign coordinator in the West: "The volunteers came to life again .... It's a real shot in the arm for the Republican Party."

Shirley Pettis

But are the Republicans really off the mat? Was the Pettis victory an indicator that voter sentiment has shifted away from the Democrats? Or was it more a tribute to Jerry Pettis, who had won the previous November by an almost 2-1 margin, despite sweeping Republican losses? Didn't Shirley Pettis benefit from a sympathy vote and the fact that she was a politically attractive female candidate in an era when that has become an electoral advantage? And, after all, don't Republicans usually do well in special elections, especially in districts that normally elect Republicans?

The 1976 June primary is a year away, and the presidential campaign — probably the single most important factor in determining the mood of the California voting public next year — is in its infancy. Predictions are difficult to attempt at this stage, but an analysis of the races in the offing for 1976 shows that the Republicans are hardly alive and well throughout the state. Indeed, the Democrats have an excellent chance of capturing a two-thirds majority in both houses of the Legislature.

Presidential politics pose potential dangers for both parties. The Democrats are so divided that no one has yet emerged as a likely Democratic nominee. In fact, there are those who envision an old-fashioned multi-ballot convention that will produce a candidate in a back-room deal among the party's power-brokers. The big question in Republican ranks, on the other hand, is whether President Ford will stand for election to the office he inherited or withdraw in favor of Vice President Rockefeller. If he withdraws, will this produce a cataclysmic contest between the forces of Rockefeller and Ronald Reagan? And what are the chances that there will be third-party candidates such as Reagan, George Wallace and Eugene McCarthy?

Despite the unsettled state of presidential politics, some guarded forecasts are in order:

United States Senate. Democrat John Tunney will be the prime GOP target in California. He will be the only statewide office-holder on the 1976 ballot, and Republican leaders consider him far more vulnerable than was Alan Cranston a year ago.

Congress. The Republicans have an opportunity to make a small gain, perhaps one or two seats, in the congressional delegation, currently 28-15 in favor of the Democrats.

Assembly. The Democrats should maintain a stranglehold on the state Assembly, but they may not be able to retain the 55-25 margin won in 1974.

State Senate. The state Senate poses the greatest problem for the Republicans, who are already down 25-15. Democrats need only to split the 20 seats at stake next year to gain a two-thirds majority. Such a division is well within reach for the Democrats.

President

The presidential picture is extraordinarily complex as a result of the chain of events that saw the resignation of Spiro Agnew and Richard Nixon and their replacement by Gerald Ford and Nelson Rockefeller without popular vote. It would be unusual for a sitting president to face a strong challenge for the nomination within his own party, but there are those who think that such a threat may be posed by Ronald Reagan and the conservative forces that are not comforted by the policies of the Ford-Rockefeller administration. There are recurring rumors that Ford will not run if his wife's health is poor a year from now, or if the polls show that he cannot win. In that case, there would undoubtedly be a clash between Rockefeller and Reagan. And there are those,

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such as a majority of the delegates to the convention of the United Republicans of California, who do not consider Reagan to be conservative enough.

On the Democratic side, the situation is even more muddled. There are candidates galore — George Wallace, Henry Jackson, Morris Udall, Fred Harris and Lloyd Bentsen among them. But the Democratic workers who usually determine the outcome of primaries in California are still uncommitted and waiting for a candidate to sweep them off their feet. Complicating the issue is the new system of selecting delegates to the Democratic convention, a system that could fragment the delegation and make the primary almost an exercise in futility. There is the possibility, too, that Senator Edward Kennedy will be induced to accept the nomination, a mixed blessing for the party.

The third-party potential is greater this year than it has been since perhaps 1948. Should both Wallace and Reagan lead independent tickets, who would be hurt the most, the Republican nominee or the Democrat? Would the election be so confused that presidential politics would play no role whatsoever on the rest of the California ballot?

In short, there are no answers yet to the many questions now clouding the presidential outlook.

United States Senator

It is no secret that John Tunney won his seat in the Senate six years ago without great public enthusiasm for him. In the Democratic primary, he defeated a fellow congressman, George Brown, the darling of the liberals, because Tunney could afford a more expensive and slicker campaign. Then, he went on to defeat the Republican incumbent, George Murphy, in the general election. But he won by a modest margin, despite the fact that Murphy had been fatally wounded by a scandal involving Technicolor.

This backdrop is the prime reason why Republicans are clamoring for a shot at Tunney next year. But this is not the Tunney of 1970. He has taken a turn to the left and become a less cautious voter (in contrast to Cranston

John Tunney

who has moved to the center). Tunney has made his peace with the liberal wing of the party, as witnessed by his enthusiastic reception at the annual convention of the California Democratic Council earlier this year. [See, "Senators Cranston and Tunney — my, how they've changed," *CJ*, March 1974.]

Tunney could face a noisy challenge from Tom Hayden, the anti-war activist, husband of Jane Fonda and writer for *Rolling Stone*. Hayden has been making speeches (he calls for sending the Vietnamese refugees back to Vietnam) and attacking Tunney. Actually, the Hayden candidacy could help the incumbent by making him appear more moderate and thus less vulnerable to Republican attacks in the general-election campaign.

The Republicans have no obvious opponent for Tunney. Robert Finch, the former lieutenant governor, HEW secretary and White House adviser, was the first to announce, and state Senator Dennis Carpenter of Orange County is another likely candidate. Numerous other names have been mentioned, including Houston Flournoy, whom Jerry Brown barely beat for governor last year. Whatever the lineup, there is bound to be a conflict between the so-called moderate and conservative wings of the party — and if tradition holds true, the conservative will win. But if there are enough candidates, the philosophical issue might become obfuscated and personal charisma might become the key in the primary.

Congress

The Democrats made a few gains in 1974, and the Republican job is to pare the 28-15 lead in 1976 if possible. That task will not be easy, however, unless several veteran, entrenched Democrats decide to retire after their current terms (as has been rumored for Harold Johnson of Placer County and B. F. Sisk of Fresno). Assuming that all incumbents run again, here is the outlook at this early stage:

23 safe Democratic: Johnson, Moss, Leggett, John Burton, Phil Burton, Miller, Dellums, Stark, Edwards, Ryan, McFall, Sisk, Corman, Rees, Waxman, Roybal, Burke, Hawkins, Danielson, Charles Wilson, Anderson, Brown and Van Deerlin. This guarantees the Democrats a majority of the delegation.

4 leaning Democratic: Mineta, Krebs, Hannaford and Patterson. These Democrats won their first terms last year, and all but Krebs come from districts where the Democratic registration is marginal.

10 safe Republican: Lagomarsino, Goldwater, Moorhead, Bell, Rousselot, Clawson, Pettis, Wiggins, Hinshaw and Burgener.

3 leaning Republican: Clausen, Ketchum and Bob Wilson. These veterans could face strong Democratic opposition, such as Assemblyman Kapiloff against Wilson.

3 doubtful: Democrat Lloyd, Republicans Talcott and McCloskey. Jim Lloyd won narrowly in 1974 and Republicans have already designated him as a top target, partly because he comes from the same region as Shirley Pettis. Burt Talcott of Salinas, who squeezed through last year in a bitterly fought contest against Julian Camacho, may face an even more dangerous Democrat next year. Pete McCloskey's fate always seems uncertain. He may not run for reelection, which would probably keep the seat for the Republicans. But if he runs and loses the primary to conservative Gordon Knapp, who has indicated that he will try again to beat McCloskey, a Democrat could beat Knapp in the general with the backing of moderate McCloskey Republicans.

State Senate

Republicans didn't know it at the time, but the state Supreme Court did the GOP a favor by ruling that only 20 Senate seats would be up for grabs last year. In the Democratic sweep of 1974, the Democrats captured 17 of those seats. Had all 40 seats been contested, the Republicans might have been left with little more than a handful of seats in the Legislature's upper house. The day of reckoning was delayed, but it will arrive in 1976, when 12 of the 20 seats at stake will be occupied by Republicans. If the Democrats can hold their eight seats and pick off only two Republicans, they will be able to muster the two-thirds majority necessary to pass the budget and other fiscal or urgency bills.

- 5 safe Democratic (Rodda, Petris, Alquist, Roberti, Greene) — more than enough to retain Democratic control.

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James Wedworth

VS.

Robert Stevens

Joseph Kennick

VS.

George Deukmejian

- 1 leaning Democratic (Collier). The wily Collier has a great deal of new territory but has been working it hard in anticipation.
- 3 safe Republican (Russell, Richardson, Whetmore). James Whetmore of Orange County will probably be tested by Assemblyman John Briggs in the primary, and the winner should have an easy time in the general.
- 3 leaning Republican (Nejedly, Way, Cusanovich). These veterans do not have safe districts statistically but should pull through.
- 8 doubtful (Democrats Wedworth and Kennick; Republicans Berryhill, Stevens, Deukmejian, Marks, Grunsky and Schrade).

These eight races are worth examining, district-by-district:

5th District — Milton Marks, the incumbent in this overwhelmingly Democratic area, is running for mayor of San Francisco. His seat would almost certainly be won by a Democrat should Marks become mayor, and if he loses Marks could still face a rough run for reelection.

13th District — Clare Berryhill is running in a new mountain-valley district with a 59-37 registration advantage for the Democrats. He could be in trouble, although his territory is not noted for party loyalty.

17th District — Veteran Republican Donald Grunsky of Watsonville may well retire, leaving the district wide open. The registration is marginal, 54 D-41 R.

27th District — Republican Robert Stevens and Democrat James Wedworth will go head to head. Stevens is favored because the registration is 51 D-43 R. (A district is not considered Democratic until the party's registration hits 56 percent.)

31st District — This could be the most bitterly fought race in the state, pitting two Long Beach senators who have worked together over the years for the good of their city. Democrat Joe Kennick has a 58 D-38 R registration advantage and political shrewdness in his favor, but Republican George Deukmejian has youth and ambition.

33rd District — No incumbent will be running unless Deukmejian decides to run here instead of in the 31st District. The registration is 53 D-42 R, which would make it possible for a Democrat to win in a year like 1974. Assemblyman Bill Campbell looks like the ideal Republican candidate for the area.

37th District — This is a wide-open Orange County district with a 54 D-40 R registration. The area now has two Democratic Assemblymen, Richard Robinson and Paul Carpenter, but the Republicans could well win the seat.

39th District – Veteran Republican Jack Schrade may face the roughest test of his career if Democratic Assemblyman Bob Wilson tackles him. Wilson has survived unfavorable registration odds before and apparently is not discouraged by the 49 D-44 R makeup of the district.

Assembly

Starting from a 55-25 deficit in the Assembly, it would be virtually impossible for the Republicans to gain control. But the GOP must start chipping away at that lead if it entertains any hope of taking control for the next reapportionment in 1981. It is especially difficult at this stage to be precise about Assembly districts because quite a few members undoubtedly will leave their seats to try for other offices. For example:

- Will freshman Democrat John Garamendi challenge Senator Berryhill? If he does, the Garamendi district moves from "safe Democratic" to "doubtful". The same goes for the Bob Wilson seat in San Diego County if Wilson runs against Senator Schrade.
- And if Congressmen Johnson and Sisk retire, won't Republican Assemblymen Chappie and Maddy run for those jobs? If they do, their Assembly seats will be prey to a probable Democratic takeover.

The following analysis is based, once again, on the assumption that all incumbents will seek reelection:

40 safe Democratic: Davis, Keene, Gualco, Greene, Garamendi, Boatwright, Knox, Miller, Lockyer, Foran, Brown, McCarthy, Papan, Calvo, Vasconcellos, Egeland, McAlister, Thurman, MacDonald, Keysor, Bane, Berman, Sieroty, Rosenthal, Warren, Ralph, Dixon, Tucker, Vincent Thomas, Vicencia, Alatorre, Torres, Cullen, Fenton, Montoya, Goggin, Ingalls, Chacon, Deddeh and the former Bill Greene seat.

11 leaning Democratic: Z'berg, Siegler, Wornum, Meade, Mori, Perino, Chel, Carpenter, Robinson, Wilson and Kapiloff. These seats should all be retained by Democrats, but there are reasons in each case for not considering the incumbents as "safe". Mori probably will face his biggest problem in the primary. The Democrats should be in better shape if Meade goes through with his announced plan not to seek reelection. Z'berg was scared last year. Wilson and Kapiloff represent Republican areas. The others are freshmen not yet entrenched.

4 doubtful Democrats: Chimbole, Hart, McVittie and Suitt. These four freshmen won by extremely close margins in districts that are anything but safe for Democrats. They will be prime GOP targets, especially Tom Suitt of Palm Desert, who pulled the upset of the year against Republican Ray Seeley.

20 safe Republicans: Chappie, Arnett, Hayden, Murphy, Nimmo, Mobley, Duffy, Cline, Priolo, Antonovich, Lanterman, Beverly, Collier, Lancaster, Campbell, Lewis, Briggs, Nestande, Badham and Craven.

3 leaning Republican: Bill Thomas, McLennan and Burke. Thomas of Bakersfield represents a seat that swings often; Bob McLennan of Los Angeles won a hard fight against a Democratic incumbent last year and his district is not safe; Bob Burke of Orange County came surprisingly close to defeat in 1974.

2 doubtful Republicans: Maddy and Bannai. Both Ken Maddy of Fresno and Paul Bannai of Gardena represent areas that are heavily Democratic and can hardly be expected to survive indefinitely.

In short . . .

From a Republican standpoint, there is at least one consolation: The party can hardly fall farther (with the exception of the state Senate). And there are opportunities to defeat Tunney and make gains, albeit small ones, in the congressional delegation and the Assembly. The Democrats, on the other hand, are in no danger of losing control of either the congressional delegation or the Legislature, and they could score the grand slam — a two-thirds margin in both the Senate and Assembly.

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Caucus

by HÜGO

Dear Patient:
As you know
Mal-practice suits
in this state
have grown alarmingly.

many of us in the
medical profession
will have to discontinue
our practice if this
trend continues.

This will result
in inadequate
medical and health
needs for the state
of California.

I urge you to
write to your
legislative
representative.

let him know of your
concern over the
health of the state
and your wish to
assure
doctors...

...the income to
which we've
become accustomed.

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The most volatile area in California politics

By JOHN KERN

The state of San Diego politics can be summed up in one word: unsettled. Contrary to popular belief, San Diego County is not a bastion of hard-rock conservatism dominated by a clique of businessmen. It is a politically volatile region in a politically volatile state, and each political tremor in the state and nation has its impact here.

This year, the big event in San Diego politics is the mayoral race. Pete Wilson, a Republican former assemblyman, is the incumbent. Although he has not officially announced his intention to seek reelection, Wilson has also left no doubt in anyone's mind that he will run again. And most political observers would give Wilson the edge at this point. By dint of hard work, intelligence, a few breaks and the unsettled local political atmosphere, Wilson has become easily the most influential and visible political figure in San Diego. But the election promises to be no one-man show. City Councilman Lee Hubbard, also a Republican, has announced his intention to unseat Wilson and is working hard toward that goal.

Environmental issue

The primary issue between the two men — although both tend to dance around it — is that of growth. San Diegans have an interest bordering on obsession with the environment and the quality of life. Since 1960, the city has grown by 200,000 people — nearly a quarter of the population. Much of this growth took place in the 1960s.

By 1971, when Wilson was elected mayor, a reaction to this rapid growth and its impact on the environment had begun to set in, and the debate quickly became hot. Wilson was elected partly because of his promise to do something to control the city's growth. With a working majority of the council, Wilson did just that. But when the economy began sliding, Wilson and policies associated with him were blamed by some for the rising unemployment in San Diego.

Enter, Hubbard. A cement contractor, Hubbard was elected to the council in 1973 and soon became a chief critic of Wilson's policies. Wilson countered that he wanted to control growth, not stop it, but to Hubbard Wilson's policies meant no growth at all.

Behind Hubbard is a formidable coalition of labor and business which, in recent elections, has proven that it can raise money and get out the workers for its candidates. In an effort to show that he can draw a crowd and has a base of support, Hubbard held a fund-raiser in April and drew 900 persons. While the $15 price-tag may have helped swell the crowd, Hubbard's purpose was accomplished and gave his campaign a new measure of respectability.

Wilson hasn't held any fund-raisers yet, and he is still carrying a $15,000 deficit from his 1971 campaign, in which he spent $176,000. It is unlikely that Wilson could raise that much this time out, but it is also unlikely that he will need as much because of his incumbent status.

One factor in the campaign may be a city law prohibiting contributions over $250 from any individual or labor and business groups. Wilson led the forces responsible for the law and it is likely that this will hinder his own fund-raising.

Other issues besides that of growth are starting to surface — among them, a new international airport (which critics are dubbing the "irrational airport"), taxes, the cost of running the city, recent increases in the mayor's budget and staff, and regional government. But so far the election is seen as a referendum on the city's land-use policies of the last four years. For Wilson, there is another aspect to this election. He has always said he would be interested in higher office someday, given the right time and circumstances. The outcome of this year's mayoral race could have an important effect on that political future.

Political geography

Rising above the year's major political event to survey

Pete Wilson

The author is a political writer for the San Diego Evening Tribune.

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San Diego politics in general, the salient features emerge as these:

- Political success is an individual thing. No group, organization nor political party is powerful enough to guarantee electoral success.
- Because of this, each office-holder has his or her own political staff, personal following and sources of campaign funding.
- Neither the Democrats nor the Republicans has much political power.
- The county itself — in terms of who holds office where — is divided into three distinct areas: a Democratic south, a Republican north, and a war zone in the middle.
- It is in the war zone — encompassing the 77th and 78th Assembly Districts, the 39th Senatorial District and the 40th Congressional District — where the two parties compete most actively. Here, the assemblymen are Democrats, and the senator and congressman are Republicans.
- The central fact of San Diego's political life is that it is undergoing change and the outcome is unknown.

C. Arnholt Smith

In the sixties when San Diego underwent its tremendous spurt of growth, C. Arnholt Smith personified the establishment, which was closely tied to a very active Republican Party. [See "The decline and fall of C. Arnholt Smith," *CJ*, April 1974.] Leslie Gehres, a retired rear admiral and an executive in one of Smith's corporations, was chairman of the San Diego County Republican Central Committee. During that decade the committee was able to raise hundreds of thousands of dollars for its candidates. In 1967, for the first time in more than 30 years, the Republicans gained a registration edge in the county.

Then, in 1970, a group of "young Turks", who had seized control of Southern California First National Bank several years earlier, challenged the establishment's power in the race for district attorney. Smith and associates supported Bob Thomas; the young Turks, headed by Richard Silberman and Robert Peterson, backed Ed Miller. In mid-campaign Frank Curran, who was mayor then, and eight other people, all but one of whom were elected officials, were indicted on charges arising out of a fare increase granted to Yellow Cab in 1967. Curran was acquitted and seven of the others were either acquitted or had their cases dismissed. The eighth pleaded no contest and was fined.

A new phase

The Yellow Cab case, however, became entwined in the district-attorney election race, which Miller and the "young Turks" won. In 1971, Curran lost his bid for reelection in the primary, and a new phase dawned in San Diego politics.

The general election was marked by a debate over whether San Diego had grown enough and should place

Representing San Diego in Sacramento and Washington

San Diego is represented by three congressmen, three state senators and five assemblymen:

Congress

Bob Wilson, a Republican, 41st District. Wilson is the senior member of the area's congressional delegation and also senior Republican on the House Armed Services Committee — one of his strongest talking points for reelection in his heavily Navy-oriented district. He had his strongest challenge last year, and the Democrats will probably make a maximum effort again next year.

Lionel Van Deerlin, a Democrat, 42nd District. With his party firmly in the saddle in Washington and his own growing seniority, Van Deerlin is likely to gain in power and prestige. He is chairman of the Subcommittee on Consumer Protection and Finance.

Clair Burgener, a Republican, 43rd District. Popular and hard working in his district, Burgener has one of the few really safe seats, a fact which enables him to occasionally deviate from the party line as he did recently in opposing further aid to Southeast Asia.

State Senate

John Stull, Republican, 38th District. Stull, a major figure in local conservative circles, also holds one of the area's really safe seats.

Jack Schrade, Republican, 39th District. The veteran Schrade faces a tough fight for reelection next year, most likely in the person of Assemblyman Bob Wilson.

James Mills, Democrat, 40th District. As Senate president pro tempore, Mills is perhaps the most influential Democratic office-holder locally. He is also a leading proponent of mass-transit systems.

Assembly

Bill Craven, Republican, 76th District. Although coming from a fairly conservative area, Craven is a moderate Republican.

Bob Wilson, Democrat, 77th District. By backing Leo McCarthy for Assembly speaker, Wilson received the chairmanship of the powerful Governmental Organization Committee. He is gearing up to try to oust Senator Schrade.

Larry Kapiloff, Democrat, 78th District. A maverick, Kapiloff nonetheless does well with the voters in his district, although he can almost always expect a strong challenge from the Republicans.

Peter Chacon, Democrat, 79th District. Chairman of the Assembly Housing and Community Development Committee, Chacon is one of the authors of the state housing finance bill.

Wadie Deddeh, Democrat, 80th District. Deddeh is now making his way back up the ladder of power in the Assembly from having fallen somewhat after backing Willie Brown in the speakership contest with McCarthy. His seat is safe.

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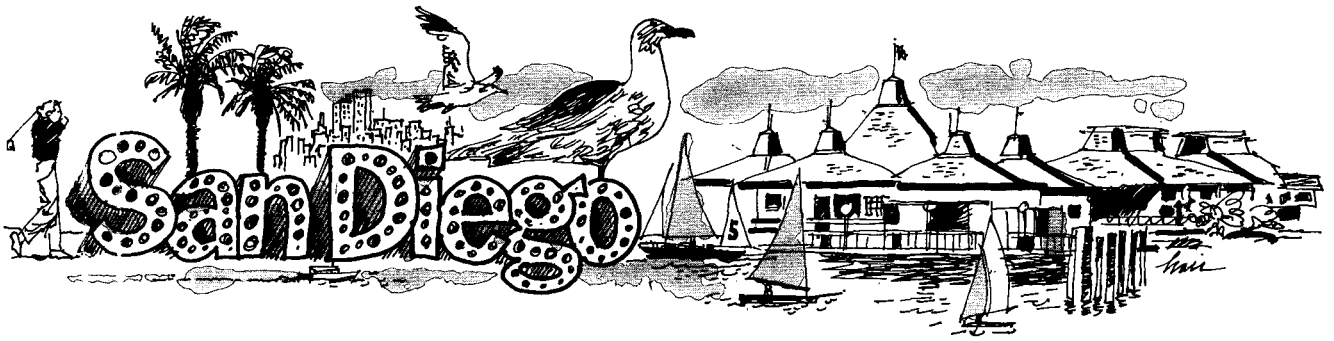

controls on growth. Wilson won, but the debate goes on.

Smith, after a series of financial and legal problems, was toppled as the preeminent figure of San Diego's establishment. The major pillar of his financial empire, U.S. National Bank, was declared insolvent and taken over by Crocker Bank. This year he was convicted of giving an illegal campaign contribution to former United States Senator George Murphy.

Decline in fund-raising

The Republican Party, dominant in the sixties, suffered a series of reverses, due not only to local conditions but also to the problems the party faced nationally as a result of the Watergate scandal. Two Assembly seats, considered by all to be safe for Republicans, were taken by Democrats. Bob Wilson of La Mesa captured the seat vacated by Mayor Wilson (no relation), and Larry Kapiloff of San Diego beat incumbent E. Richard Barnes a year later. In 1972 the Democrats regained the edge in registration that they lost in 1967.

But perhaps the best illustration of the decline of the Republican Party in San Diego County is a comparison of its fund-raising ability now and in the closing years of the sixties. In 1968, Smith and associates hosted a $1,000-a-plate fund-raiser for Richard Nixon and netted more than $100,000. Less than a month after this dinner, the annual GOP central Committee dinner drew 1,000 people at $100 a plate to hear Congressman Gerald Ford. In 1969, Spiro Agnew spoke at the GOP annual dinner, which netted $60,000. But in 1974, when Ford returned as Vice President, only 400 people attended the GOP annual dinner, which netted about $23,000.

As late as 1972, the central committee could disburse as much as $40,000 to various candidates. Last year the sum was $7,500.

'The big five'

Today, there is no preeminent establishment figure in San Diego. No one has taken Smith's place.

This is not to say, however, that powerful and influential people and groups do not operate behind the scenes in San Diego politics. The March issue of *San Diego Business Forum,* a magazine that reviews business and also runs articles on San Diego generally, printed the results of a poll on "Who Runs San Diego?" The big five were identified as Mayor Wilson, Silberman, Gordon Luce (president of San Diego Federal Savings and Loan and former GOP state chairman), Helen Copley (publisher of The San Diego *Union* and *Evening Tribune,* and George Scott (founder of Walker Scott, a leading retail store). The magazine also listed a number of others under the headings of the "Potent Fifteen" and the "Singular Forty". Again there were names that no one in San Diego politics would fail to recognize, but none holds the preeminent position formerly enjoyed by Smith.

There is also no group that dominates, or even comes close to dominating, the political scene. Besides the parties, the most active groups are the building-and-construction industry, various unions such as the Machinists and the Firefighters, and a number of environmental and citizen groups. These groups win some and they lose some. In some cases they work against one another; in other cases they combine forces; in still others they sit on the sidelines. It depends on the candidate.

And that is the crux of San Diego politics. Whether the election is local, state or national, the outcome will depend on the candidate. Last year, for example, the voters reelected Congressman Bob Wilson, a Republican, and Assemblymen Wilson and Kapiloff, both Democrats. Any resemblance between the political philosophies of the two Democratic assemblymen and the Republican congressman would be purely coincidental. Yet, the same voters elected them all.

A few quirks

But one must be cautious about over-generalizing. Some caveats:

- San Diego is still more Republican and less Democratic than the rest of the state.
- There are parts of San Diego County, mostly in the north, where a Democrat probably couldn't get elected under any circumstances.
- In other parts of the county, mostly in the south, a Republican couldn't get elected under any circumstances.
- In a close election, with Republicans normally turning out better than the Democrats, a Republican will generally win, especially if it is a state or national election, where local personalities don't come into play.

But the paramount factor in San Diego is the candidate. Democrat James Mills of San Diego, who is president pro tempore of the California Senate, recently put it this way: "The Republicans could take my seat, but not with me in it."

And that kind of potential for change is what causes most political observers here to say that San Diego politics is unsettled.

Samish book available

Copies of *The Secret Boss of California,* the humorous autobiography of the late Artie Samish, are available from the *Journal* for $3 postpaid.

Send your order to: Samish Book, California Journal, 1617 10th St., Sacramento 95814.

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Why bother to vote in the San Joaquin Valley?

By ELI SETENCICH

If politics is the mother's milk of democracy and casting your ballot on election day is as important as life insurance and clean breath, then why can't Fresno's most literate son vote? That's right, celebrated author-playwright William Saroyan, who with nearly a half a century of writing did as much as the Thompson seedless grape and shish-kebob to put Fresno on the map, is not a registered voter in his own hometown. You can look it up. Maybe it's because politics as it is practiced in the central San Joaquin Valley is a still uncategorized form of dementia, and people have the idea that "partisanship" is some kind of a boat you take a trip on with your best friend. Then again, maybe it's because nowadays Fresno is put on the map by public officials who find themselves the targets of grand-jury indictments for various acts of knavery, and by foul-ups in vote-counting procedures that end up as clever little zingers in the scripts of Eastern television anchormen. "Who's the sheriff today?" visitors like to ask, slyly. "Where's the Mafia meeting — in City Hall?" they inquire with a smirk. Fiasco County, they chortle.

Counting votes

Whether it's an ingrained clod-hopping rural mentality unable to cope with the demands of technology and punch-cards or what, it remains an historical fact that vote-tallying as performed in Fresno County will not go down as a textbook example of how it should be done. Just last year, the election for sheriff was thrown out by a superior court judge because of deficiencies in counting absentee ballots that resulted in two winners being declared in the same race. In 1968, because of an inability to make the county's computer behave, the people didn't know until 30 hours after the close of the polls who had won. And five years ago, again as a result of computer-programing problems, voters were compelled to wait nearly five days, about as long as it has taken some people to fly to the moon, to learn the outcome. On top of all that have come the charges and counter-charges of official chicanery, investigations and indictments, not to mention the shadowy presence of the fat cats, the shakers and movers, developers, speculators, factory farms and water interests.

And yet, despite its occasional lapse into political lunacy, it is the central valley that produced such notables as Hugh M. Burns and Bob Mathias, B.F. Sisk and George Zenovich, Howard Way and Ernest N. Mobley and Kenneth L. Maddy, and others — out but unforgotten — like Harlan Hagen and Bert DeLotto and Charles B. Garrigus.

The author writes on politics for the Fresno Bee.

Poor old Gus Garrigus, teacher, poet laureate, onetime assemblyman from Fresno County — he knew there were thousands of Democrats out there in the hustings, but he also knew they wouldn't be much help. Bouncing across the hot and dusty central valley in his pickup truck that summer of '70, he might as well have been chasing rainbows instead of his old seat in the Assembly. Righteousness and rhetoric pumping, he drove through the small towns to the farms, past the vineyards and cotton fields and, ultimately, beyond salvation. As he was to reaffirm that November, those were Democrats in name only. His retirement continued.

Born ticket-splitters

A campaigner like Garrigus was equipped to weather the rejection, though, because in his bones he knows how the valley's political winds blow. It is a strange and wonderful climate, hot and cold, sprinkled with independence, clouded with apathy and suspicion, and as variable as the skies in the raisin-drying season. The only predictable thing about Fresno politics is its unpredictability. Though the voter registration is roughly 2 to 1 Democratic, the voters teasingly play their own game, sending both Democrats and Republicans to Sacramento and Washington. Their ticket-splitting borders on schizophrenia.

As Garrigus and a mixed bag of other Democratic hopefuls discover every few years, registration figures can lie. In the valley, they were rearranged by the Dust Bowl and may never settle. Unknown numbers of the region's voters are descendants of the original Okies, the folks chronicled by John Steinbeck in *The Grapes of Wrath* — folks who packed up and moved to the fertile promise of California from drought-stricken Oklahoma, Kansas and Texas. These were New Deal Democrats, who gave their thanks and their hearts to Franklin D. Roosevelt and eventually left their steamy migrant camps and prospered as farmers and businessmen, remaining registered Democrats but voting otherwise now on election days.

As a consequence, Republican Assemblyman Ernie Mobley has scant trouble shunting aside the challenges of Garrigus and other Democrats who convince themselves that this time the figures won't lie.

Gamblers have won a lot of money over the years betting that Mobley was the name of the assemblyman from Fresno County. But in his quiet, unspectacular way, and with the help of farming interests and by paying attention to detail, Mobley keeps getting re-elected. And Republican Ken Maddy keeps returning to the Assembly from a district that on paper would set a political animal like Jesse Unruh to salivating. Maddy, by winning his seat from a tight little urban district five years ago, be-

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came the first GOP assemblyman from the City of Fresno in 34 years, which is almost as long as the Bay Bridge has been standing. He does it by knowing his constituency. A couple of years ago, for instance, when the conservative California Republican Assembly issued its report card on the voting records of GOP assemblymen, Maddy ended up at the bottom of the class. Last year, running in a new and more rural district and against a Democratic opponent of Mexican descent, he made the farm-labor dispute his key issue. He even briefly toyed with the idea of jumping to the Democratic Party (a thought that so enthralled local Republican leaders that *they* toyed with the idea of finding somebody else to back, but both sides finally thought better of it).

If anything is apt to change the valley's political complexion, it is the latest reapportionment of legislative district lines. The new alignment gives Fresno two of everything -- even two members of the House of Representatives, which may not put it up there with Los Angeles or San Francisco but does give it twice as much congressional clout as the State of Alaska. Fresno's newly acquired influence already has been felt. Because of the new boundaries, and with a little help from Watergate, Fresno County Supervisor John Krebs, an immigrant from Germany with a Dr. Henry Kissinger accent and a Democratic registration, was able to unseat veteran GOP incumbent Bob Mathias, the former Olympic decathlon hero. The implications of Mathias' retirement were not lost on Republican Howard Way, whose state Senate district lines almost parallel those of the former congressman. Way became more visible in the new district as soon as the ballots were tallied last November.

Sisk and survivability

Nor has reapportionment's effect escaped George Zenovich who, while maintaining his liberal credentials, is finding more and more common ground with the area's farmers. If there is a truth to be held self-evident in the valley, it is Democratic Congressman Bernie Sisk, he of the House Rules Committee and strong and wise agricultural connections. Sisk has been rolling along since 1954, when the party — probably the last time it was truly organized and unified — persuaded him, a product of the Dust Bowl himself, to shuck his job as a tire salesman and run for Congress. Although reapportionment deprived him of half of his hometown of Fresno and added territory reaching north to Modesto, nobody is betting that Sisk won't survive — not with his political instincts. At a pre-election meeting with water experts, the subject of the controversial New Melones Dam near Modesto came up. "I've always liked Melones," said Sisk with a smile. "Now I like it even more."

The irony of valley politics, however, is that a loser has gone on to hold the highest government post ever occupied by a local product. Phillip V. Sanchez, a former Fresno County administrative officer, lost in a bid to depose Bernie Sisk but won the top job in the Office of Economic Opportunity and later was appointed ambassador to Honduras by President Richard Nixon. This may illustrate what a bright, upward-mobile Republican of Mexican descent can achieve.

Winking at Chavez

It takes a little longer for Spanish-speaking Democrats in the valley. While it required a greater part of a century for a Chicano to be elected to the Fresno City Council and to the Fresno County Board of Supervisors, there is still no Mexican-American serving on the Fresno bench (although Governor Edmund G. Brown Jr. is said to be considering the appointment of one to a newly created municipal judeship). When they do decide to apply their formidable but infrequently used muscle, Chicanos can have impact. Take the case of the small town of Parlier, where the entire city council is now Spanish-speaking. The trouble is, the Chicano voters don't flex their muscles enough. For example, in Krebs' 17th Congressional District, Mexican-Americans represent better than 21 percent of the population, but only about 13 percent of the district's voters, and less than 9 percent of the actual vote. The record of participation is not much better in Sisk's 15th Congressional District.

Further complicating the problem for the politicians is what people have come to call the valley's own busing issue — Cesar Chavez and his farm-worker movement. In an area where the growers vote, where Republicans almost invariably support their own and Democratic loyalty is sometimes strained, the proposition is a losing one for the candidate who even winks at Chavez. Since his emergence a decade ago, a gang of Democratic office-holders have bitten the dust. The only ones who managed to hold their seats after 1966 were Zenovich, then running in an urban Assembly district, and former state Senator Hugh Burns, who was unopposed and ended up endorsing Ronald Reagan for governor as well as Nixon and who never did think too highly of Chavez and his crusade in the first place.

Politics of water

No less an influence on the valley has been the politics of water, and its natural outgrowth — the corporate factory farm. More than anything else it has brought on the greening of the valley and, what is more significant politically, the greening of a number of bank accounts — particularly on the great West Side with its San Luis Project and the availability of cheap water. Sprawling across it in all its power is the Westlands Water District under the stewardship of Ralph Brody, erstwhile advisor on irrigation and water matters to former Governor Pat Brown. But, for all its benefits, water is as responsible as any other factor for the tipping of California's political scales to the south. And it was none other than Hugh Burns — a veteran of 35 years in the Legislature and, as president pro tempore of the Senate, one of the most powerful politicians in the state — who helped produce the shift through

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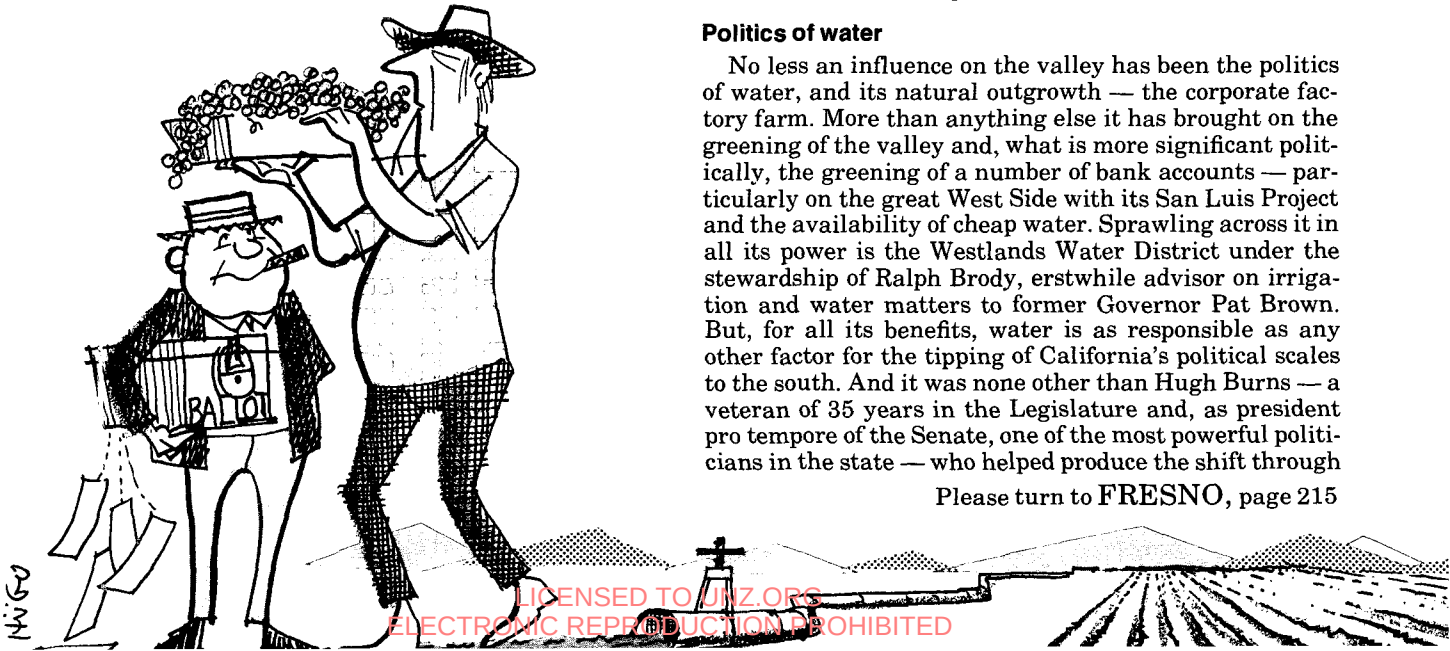

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Nuclear Power
California's next big initiative battle

By BRUCE KEPPEL

Is it possible? Will Californians witness an electoral campaign bereft of appeals to the emotions, sloganeering and name-calling? A campaign based instead on calmly reasoned argument and rational rebuttal?

The subject of the campaign, which will run until next June, is the safety of nuclear power plants. Those on either side of the issue have already expressed the hope that their opposites will not seek to sway the voters by appealing to the passions of the populace. Both sides are convinced that if reason prevails so will they.

Briefly put, the sides are these:

The proponents. The People for Proof, a coalition of groups subtitling themselves The California Committee for Nuclear Safeguards, qualified the Nuclear Power Plants Initiative on May 5th. In announcing the success of its petition-circulating campaign, People for Proof described their initiative as calling for "a public review of nuclear-power safety, demonstration by the nuclear industry to the satisfaction of the state Legislature that emergency systems work as designed and that nuclear wastes can be stored safely, and for full compensation for the public in the event of a reactor accident." These are described as fundamental requirements that should not be left to the utilities or even to a utility-regulating agency but entrusted to the public through its elected representatives. Thus, the initiative sets up a schedule by which operators of nuclear power plants must successfully meet safety tests to the satisfaction of two-thirds of the Legislature. Failure to pass those tests would lead to a slowing down and even the banning of nuclear power-generating plants.

The opponents. The "nuclear industry" considers present safety requirements adequate, and cites a record that reflects no loss of life through commercial nuclear-power generation and nothing more awesome than a $3,500 insurance claim for the decontamination of two trucks. The organized opposition is called Citizens for Jobs and Energy — a group that includes former Governor Pat Brown and former AFL-CIO lobbyist Mike Peevey, both of whom direct the California Council for Environmental and Economic Balance. Citizens for Jobs and Energy have retained the campaign-management firm of Winner-Wagner & Associates. Winner-Wagner, in turn, commissioned California Research, a private, Sacramento consulting firm, to examine the initiative. CR's 94-page "preliminary analysis" develops a number of reasons for opposing the initiative.

Initiative's requirements

Passage of the "Land Use, Nuclear-Power Liability and Safeguards Act" would declare that nuclear-fission power plants "may be a permitted land use" in California "only if all the following conditions are met". The conditions:

- By June 1977, present federal limitations on insurance liability (not more than $560 million) must be removed and full payment allowed for personal injury and property damage. If this were not done, all operating nuclear power plants would have to cut back to 60 percent of their rated capacity and construction of additional plants would halt.
- In June 1979, the Legislature would have to decide by two-thirds majority whether "it is reasonable to expect" that the safety requirements it would have developed by then would be met by June 1981. If the vote were negative, plants would be cut back to 60 percent of capacity and new construction halted.
- By June 1981, all specified safety conditions would have to be met, as judged by a two-thirds vote of the Legislature, and these requirements include not only operation of the plants but disposal of radioactive waste. If the requirements were not met, power would be cut back to 60 percent of capacity (if it hadn't been already) and further reduced by 10 percent a year to a minimum of 10 percent of capacity by June 1986.

The initiative would also appropriate $800,000 from the state's general fund to finance a technically competent commission to advise the Legislature and enable it to conduct hearings to develop the required safety tests.

'Fear campaign' vs. 'scare tactics'

Former Governor Brown, speaking at a press conference the day after the initiative qualified for the June 1976 ballot, said that he anticipated a "fear campaign" by proponents of the measure. Speaking the same day, a spokesman for the proponents worried about "scare tactics" on the part of the opponents. The best antidote to emotionalism is a cold dose of fact, but "facts" are being marshalled on both sides to opposite ends. In other words, the public is being asked to decide what the specialists dispute. Some relief may come in October and November, when the Assembly Committee on Energy and Diminishing Resources plans to hold an extensive series of hearings on all aspects of the initiative.

Until then, it may be well to consider that the issue doesn't divide neatly into "growth" versus "no growth" or "environmentalists" versus "developers", though some such simplifications have already appeared (including a Sacramento *Bee* headline that characterized the proponents as "anti-nuke"). There are environmentalists opposed to the initiative, including Kermit Smith of the Sierra Club, who worked for the club's initiative cam-

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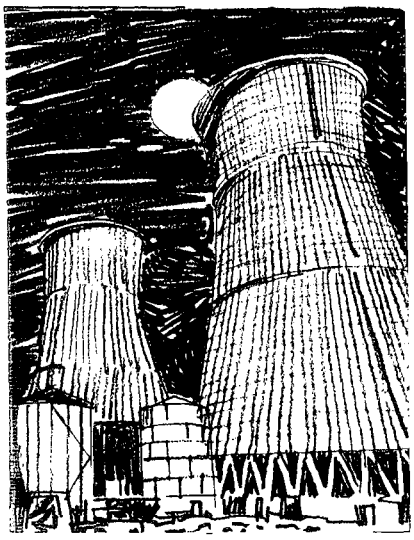

paigns in behalf of the wild rivers and coastline conservation. On the other hand, People for Proof *is* heavily weighted toward conservationists — Sierra Club and Friends of the Earth — but includes also broader public-interest advocates like Ralph Nader and People's Lobby, not to mention the Federation of American Scientists. But the coalition's spokesmen are at some pains to point out that it is not opposed to nuclear power but to its over-hasty exploitation at the expense of public safety. In short, are the reactors now being developed really safe, and how do we know? That is a question that the industry must bear responsibility for answering, the proponents feel.

UC physicist John Holdren, who supports the initiative without affiliating himself with its proponents, stresses the fact that nuclear power generation has a very short history, one that may be statistically insignificant — particularly in terms of a greatly expanded nuclear-power capacity and the considerably enlarged reactors being built today. "I am not an opponent of nuclear power," he insisted, "but there are certain minimum requirements. What the initiative says is to go ahead with nuclear-power generation *if* full insurability is provided and *if* a scheme is in hand and supported by tests that waste matter can be safely dealt with. It says go ahead *if* the safety systems of reactors are tested under realistic accident conditions. It is not now the case, and these are *minimum* conditions."

On the other hand, the CR study, *The Future of Nuclear Power in California,* cites the 1974 annual report to Congress of the United States Atomic Energy Commission to the effect that existing commercial reactors had by then run up 200 "reactor years" of operation without an accident hazardous to the public. "Increasingly rigid regulations and technological advances will result in improved safety even as the number of plants increases," the CR report observes.

Dr. Holdren acknowledged that the relative risk of an accident at a nuclear power plant is small. "What we are dealing with," he said, "is a very small probability of a very big mess." If the power plants are as safe as the nuclear industry maintains, he asked, why is the coverage provided by a private insurance pool limited to $175 million per nuclear plant? "A prudent public should ask why the liability is limited," Holdren asserted.

California Research's finding was that the insurance limitation was imposed in 1957 when the lack of experience and potentially immense liability held off possible insurance until the federal government stepped in. CR points out that the original limitation of $60 million in private insurance provided by a pool of companies, plus $500 million from the federal government, has been raised over the years to the present level. This, CR concludes, reflects increased confidence based upon a "perfect safety record". It notes, too, that the present liability limitation does not expire until August 1, 1977, two months after the limitation would have to be removed under terms of the initiative. "It is highly unlikely," concluded CR, "that federal liability limits will be repealed by June 1977 in time to avoid a nuclear-plant-construction freeze and power cutback."

Legislative competence

The initiative also raises the question of the responsibility or competence of the Legislature to deal with such a technical subject as devising complex safety tests to judge the operation of power plants and the disposal of harmful waste. "I guess what we're trying to do," said Dwight Cocke, a spokesman for People for Proof, "is to say that it really isn't just a technical issue but that there are political and public-policy questions to be answered." The measure would provide for a commission of at least 15 members with expert knowledge in the field to advise the lawmakers.

But the determination — whatever the findings and recommendations of the advisory commission — will be made by the Legislature, and by a two-thirds majority of the lawmakers. That leaves a blocking third holding veto power. And what if, looking at it from the proponents' side, the lawmakers in effect junk the initiative by ruling that, by definition, the reactors *are* safe? "What the initiative does," replied UC's Holdren, "is to *add* three basic requirements. It doesn't take away any *existing* requirements."

Energy commission

Another drawback of the initiative, according to opponents, stems from enactment of the Energy Resources Conservation and Development Act, which took effect this year. This act created the state Energy Resources and Development Commission with broad authority to assure the state an adequate supply of energy. Its functions include certifying sites of power facilities and monitoring their operation to ensure compliance with air, water and public-health standards. [See "How the new energy act should work," *CJ*, July 1974, and "The energy commission's potential," *CJ*, April 1975.] The opponents maintain that this commission should be allowed to function before responsibilities in the energy field are delegated elsewhere, and not all proponents would disagree with that. "The timing is perhaps unfortunate in this regard," conceded Cocke.

The Energy Commission is not impassive in the matter, though it may be that its conservationist bent is more in keeping with the proponents than the opponents. (Some of the present commissioners, for example, reportedly worked with the proponents in the early stages of drafting the initiative.) The commission is reevaluating the state's energy needs as one of its first major tasks. Those findings could play a persuasive role in the forthcoming campaign, particularly if they were to scale down projected state electrical needs.

Debate is joined

For better or for worse, the public will decide the merits of a question that divides the experts. It remains to be seen how the experts go about informing the public. Will it be the reasoned debate that each side champions? Or the "fear campaign" and "scare tactics" that each would reject? Political history certainly favors the latter.

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The welfare missionary

How Bob Carleson spreads the Reagan gospel in Washington

By DOUGLAS HALLETT

Whatever happened to Bob Carleson?

Robert B. Carleson, a former Southern California city manager, served on former Governor Ronald Reagan's welfare task force, helped draft and negotiate the California Welfare Reform Act of 1971 and, as state welfare director, had primary responsibility for implementing the program. His work set off a flurry of debate, controversy and litigation that has not yet died. [See "Is Reagan taking too much credit for 'slaying' the welfare monster?", *CJ*, December 1974.] In March 1973, newly appointed Secretary of Health, Education and Welfare Caspar Weinberger, Reagan's 1968-69 finance director, brought Carleson back to Washington as his special assistant. Carleson later became United States commissioner of welfare. Since then, he has been attacking welfare abuse nationwide with the energy and confidence that characterized his Sacramento days.

And, whatever else may be said about those efforts, Carleson has not lost his gift for stirring controversy. Some examples:

Welfare in Pennsylvania. When Carleson's staff, at the request of the Republican leadership of the Pennsylvania House of Representatives, studied that state's welfare program, Democratic Governor Milton Shapp was so angered by the "political partisanship" and "arrogance" of the HEW staff that he wrote Weinberger asserting that "the lessons that one should derive from Watergate . . . have yet to be learned by some top officials at Health, Education, and Welfare."

Welfare in Michigan. A report Carleson's office drew up for Michigan's Republican Governor William Milliken became a key issue in Milliken's close reelection race last fall. Democratic contender Sander Levin charged that the study showed that Milliken had "failed to clean up the welfare mess in this state" by not instituting Reagan-style welfare reform until the end of his term.

Welfare in Illinois. Another Democratic governor, Illinois' Daniel Walker, instituted computerized cross-checking and a "flat-grant" system — the first directly on the California model and the second after having studied it — to prevent funds from going to people with other incomes via fraud or overlapping special welfare funds that fail to take that income into account.

Yet, for all the fireworks he has set off around the country since going to Washington, Carleson has left very little visible mark on the nation's capital. The press and television, which might carry news of his activities back home to California, has been all but silent, which says something about both the concerns of Washington and the news media but also about the youngish, intense former city manager of Pico Rivera who opposes, with nothing less than a missionary zeal, most of the assumptions of the national welfare debate of the last 15 years.

The Depression — and the realization it brought that a rapidly changing, increasingly technology-dependent, industrial society did not provide work for all its inhabitants all the time — provided the first impetus for large-scale federal relief programs. Among these, in 1936, was a program still with us called Aid to Families with Dependent Children or AFDC. What started as a temporary emergency program soon became institutionalized, and it has grown rapidly since. The ratio of children covered by AFDC along with aid to the aged, blind, and disabled — the nation's basic welfare program — has increased from 1-in-50 to 1-in-8, and the proportion has more than tripled since 1960. The federal contribution to AFDC, as measured against the total federal budget, has gone up 6,800 percent since 1937 to $4 billion; the various states' contributions total slightly less.

In 1962, Congress sought to cope with this enormous growth by increasing the federal participation in the social-services facet of the program from 50 to 75 percent. Rather than check the growth, however, this move only encouraged expansion of federal and state welfare programs. Towards the end of the Lyndon Johnson presidency, social thinkers of a variety of persuasions began pressing to de-emphasize social-service programs in favor of an "incomes strategy". This meant instituting some form of negative income tax or a guaranteed national income. This view was embodied in the 1968 report of the Heineman Commission and, in 1969, was adopted by President Nixon as his administration's official policy, under the name Family Assistance Program or FAP, a concept pushed by sociologist Daniel Patrick Moynihan.

This plan, to which Nixon attached top legislative priority, was introduced as House Resolution 1. HR 1 passed the House of Representatives in both 1970 and 1972, vigorously backed by House minority leader Gerald Ford. It was, however, in many ways a poorly crafted piece of legislation and was torn apart in the Senate. But, from 1969 through 1972, that served only to heighten the drama of its slow — and heavily reported — passage through Congress. Finally FAP was zapped by Nixon himself when he decided to campaign against George McGovern's guaranteed-income plan — a version of FAP.

Carleson arrives

Consequently, by the time Carleson arrived in Washington in the winter of 1973, welfare reform seemed about as dead as anything can be in Washington. While his boss, Caspar Weinberger, was entranced by

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the notion of a negative-income tax as proposed by economist Milton Friedman, Watergate and the political considerations it inspired for Nixon served to keep Weinberger from getting much of a hearing for the proposal at the White House. That suited Carleson just fine, since he believes that most legislative solutions to welfare only create more constraints against effective administration. "The difference in my thinking with some of these other people," Carleson said, "is that I regard welfare as a temporary condition. As such, it can best be handled by state and local authorities who are most acquainted with conditions as they exist for the welfare recipient. In New England, there may be a special need for extra funds for fuel heating oil. That need wouldn't exist in Florida or Southern California. A negative income tax or a guaranteed national income wouldn't take that into account."

Three strains

Carleson's idea was to transfer what was done in California to Washington. The ironical result is that FAP's most vigorous opponent, former Governor Reagan, has seen his welfare views made into national policy by the *same* HEW bureaucracy that he had fought for the first four years of the Nixon administration. Three main devices are being employed so far in Carleson's campaign:

Preventing welfare fraud. In 1970, before Carleson's arrival, the administrative arm of the federal welfare program, HEW's Social and Rehabilitation Service (run for the last two years by Reagan's former chief deputy finance director, James S. Dwight Jr.), published regulations requiring the states to use more scientific methods to determine errors in AFDC caseloads. Upon moving to HEW, Carleson found that roughly 4 out of 10 cases were still in error: 9.7 percent of the AFDC families were not, according to his study, eligible for the benefits they were receiving; 21.7 percent were eligible but receiving excessive grants; and 8.1 percent were eligible but receiving less than they should. To deal with this, Carleson imposed error-reduction targets on the states and forbade them from passing off to the federal government error-costs in excess of the targets. By July 1st, states will have to have brought their error-rates down to a level of no more than 3 percent of cases ineligible, 5 percent overpaid, and 5 percent underpaid. Implementation of the program, however, has not been as simple as its design, and it was challenged in court as arbitrary and statistically ill-founded. And HEW found that the incremental targets it set were too ambitious — especially in view of the pressure on state and county welfare offices created by recession. Although still under court challenge by 14 states and Los Angeles County, Carleson insists nonetheless that cost-sharing will end July 1st.

In the meantime, Carleson has changed many federal regulations that he says interfered with his efforts as California's welfare director. As a result, cross-checking with tax, school, and employer records is now less constrained; hearing requirements have been short-cut; notice-requirements for grant cut-offs have been reduced; the recovering of excess payments has been eased; and the states have been given more discretion for day-to-day administration.

Closing loopholes. If invited by a state, Carleson will send a team of welfare-management experts to analyze the state's welfare program and suggest means of improving efficiency. Such studies have been done for New Hampshire, Michigan and Pennsylvania, and others are in progress for Maine and South Carolina. Beyond that, Carleson estimated that he has either visited or sent suggestions to virtually every state. Recommendations typically range from cross-checking claimed school children with local school records to switching to variants of the California "flat-grant" system, use of recipient identity cards, tightened work and work-training requirements, increasing aid for the most needy, and requiring recipients to declare all their tax exemptions so that their income is not reduced by withholding.

Legislation. In keeping with President Ford's "no new programs" policy, Carleson has not associated himself formally with welfare legislation pending in Congress. But his mark is all over a bill Ford signed January 4th, HR 17045. It is a law containing a tough father-support provision of the type Reagan pushed through the California Legislature. States will have until July 1977 to implement an "effective support program" or risk losing at least 5 percent of their grants. As an incentive, they will be permitted to keep 25 percent of the federal share collected from deserting fathers for the first 12 months of the program and 10 percent thereafter. So-called caretaker parents — relatives or friends to whom children are charged — must, as a condition of eligibility, assist in establishing paternity and locating parents.

Carleson now is drawing a bead on the so-called 30-and-one-third rule, which he maintains makes it virtually impossible for some people to be excluded from welfare once they get on. This rule allows a recipient to deduct from gross income $30 plus one-third of the balance, plus child-care costs, plus all other work-related expenses. Carleson asserted that a mother of three in Los Angeles would have to earn around $900 a month before her income would be above the welfare cut-off. HR 5133 would deal with the 30-and-one-third rule by cutting off gross income eligibility at 150 percent of the needs standard.

While the Ford administration has no formal position on this legislation, Carleson helped draft the measure, an almost item-for-item reiteration of those reforms former Governor Reagan, with then-California welfare director Carleson at his side, unsuccessfully recom-

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mended to the Senate Finance Committee in testimony against FAP in 1972.

How far this bill will go remains to be seen. Over Reagan's and Carleson's objections, the adult categories of the welfare program — aid to the aged, blind, and disabled — were federalized effective January 1974. Although Carleson now says the results are "the best argument ever" for not federalizing any more of the welfare program, there is no consensus supporting that view.

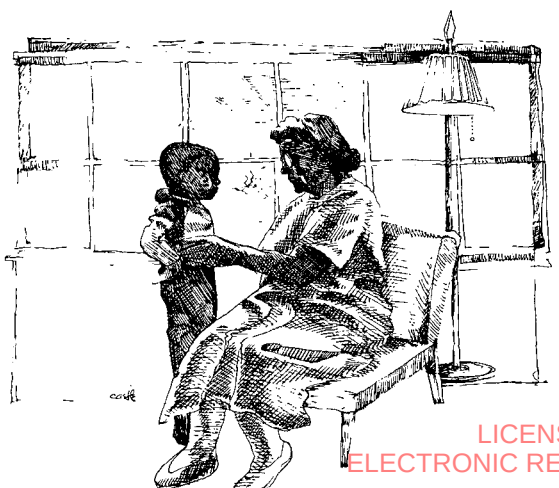
Court challenger

Just as in California, welfare-rights organizations have challenged Carleson's recommended reforms practically wherever they have been implemented. For example, computer cross-checking with school (and particularly tax) records has raised questions of privacy and confidentiality. But the most controversial issue remains the quality-control program with its funding cut-off provision. Barbara Wright of the American Public Welfare Association put this viewpoint in these words:

> Some of our administrators are up in arms. They say he comes in and puts out statistics which cannot be scientifically verified. His claims of welfare error, they say, cannot be substantiated, and the goals he sets for the elimination of error have no scientific basis. They have no complaints about his incentives for the elimination of error, but they have raised a lot of questions about the data on which Carleson is basing his incentives.

When Carleson's staff completed its study of the Pennsylvania welfare system in January 1974, Helene Wohlgemuth, then the state's secretary of public welfare, denounced as "blatantly inaccurate" their conclusion that the state could save $232 million by implementing a reform program. In a report the following October, Carleson's office made a detailed reply to Wohlgemuth's rebuttal. That document was termed by the Pennsylvania cabinet officer as "the biggest welfare fraud ever perpetrated". Wohlgemuth was subsequently removed as welfare director.

Wright of the American Public Welfare Association also raised the question of a "potential conflict of interest" between Carleson and the Sacramento-based Pacific Legal Foundation, a public-interest law firm that has advised Illinois and other states in implementing quality-control and father-support programs. The foundation's legal director is Ronald Zumbrun, former deputy social welfare director for legal affairs in California and later special counsel to HEW for welfare, and several other former Carleson aides are on its staff. Wright charges that the foundation had a "substantial contract" with the State of Illinois and has been recommended by HEW to other states. "One of the questions I've heard raised," she said, "is whether there is some kind of continuing link between Carleson and the people in the Pacific Legal Foundation." Carleson denies that he has ever pressed the foundation on any state or that he has any financial stake in its non-profit, tax-exempt activities. [PLF contracts only with public agencies and only on a non-profit reimbursement basis. The foundation was recognized in the American Bar Association's Fall 1974 *Family Law Quarterly* for its knowledge in the welfare field.]



Probably no aspect of Carleson's program is more disputed than how effective it has been. When Reagan and Carleson claimed that their California reforms reduced the state welfare caseload by 370,000, their critics countered that the reform coincidentally paralleled a decline in unemployment, a dropping birth rate, and a fall-off in migration into the state. Nationwide, Carleson asserted that in fiscal year 1974, the first year of his stewardship at HEW, AFDC rolls declined for the first time in 20 years. Much of the decline, he added, came in California and in New York, which was first to copy the California reforms. This yielded a savings of $800 million in the national AFDC budget at the same time that most states were raising benefit levels, he claimed. While conceding that the economic crisis has increased welfare rolls, he argued that caseloads have risen dramatically only in states like Massachusetts, which, he said, retained until recently minimal verification of welfare claims. The increases in California and New York, on the other hand, have been much less than would otherwise be expected, he maintained (although Carleson said he detects a "loosening-up" of California's program since Reagan left office). His critics nationally often cite the same factors his California opponents have. Because of the rapid changes in AFDC's size over the last 15 years and the difficulty in isolating constants to relate to these changes, it is difficult, if not impossible, to say just where the truth lies. But Carleson has demonstrated that welfare negligence and perhaps even fraud are serious — not slight — problems and that something can be done to correct them. He has also shown — however much he may eventually be judged to have been helped by other factors — that increased government vigilance can reduce welfare caseloads while increasing aid to the neediest.

Work ethic

Carleson's next task, however, will be weightier. His personal opposition to the continued federalization of welfare through a negative income tax or guaranteed national income is rooted in his conviction that more than half of all welfare recipients can work, given adequate child-care provisions, and that our society should give them an opportunity to do so. No federal system, whatever its built-in incentives, he maintains, can substitute for the concern of local government working with its local constituents to enforce upon them the obligation and privilege of labor.

In this sense, Bob Carleson, as sophisticated as he has now become in computer-managed bureaucratic government, is still back in the small Southern California cities where he spent most of his working life. And if, in this sense, Carleson is also fighting much of the most expensive and highly-regarded social thinking of our time, the results he has gotten so far may well be enough to suggest that he deserves the chance at least to prove his case.

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Science, SMOG and politics

Even on a clear day the distinction is hazy

By WILLIAM GREENBURG

For 30 years the question of air pollution in the Los Angeles Basin has been such a tangle of politics and science that it is difficult to determine where the science leaves off and the politics begins. And the chief source of turmoil is the realization that clearing the air could defy technology. Such a realization puts a burden on a politician's ability to make decisions, because these decisions are linked to considerations of growth, development and jobs. It also raises questions about regional government, and aggravates the debate over the relationship among counties in the basin and the battle for control waged between city councils and county supervisors. Consider:

Item: In October 1973, the San Bernardino County Air Pollution Hearing Board granted Kaiser Steel Corporation of Fontana a variance, and at the end of the hearing the board's acting chairman, Dr. Joseph Hayhurst, chided the audience for driving around in their automobiles polluting the air and then coming to the hearing to "pick on" Kaiser.

Item: During the prolonged debate over whether to fit older model automobiles with devices to control emissions of oxides of nitrogen, state Senator Nate Holden of Los Angeles, an opponent of the program, was quoted in the Los Angeles *Times* of March 2, 1975, as commenting: "What about stationary sources of pollution? They're letting the fat cat get away and shifting the burden of cleaning up a little air on the people."

Item: San Bernardino County supervisors, attempting to show that auto-makers must shoulder full responsibility for solving the area's air-pollution problem, quoted statistics provided by the San Bernardino County Air Pollution Control District showing that 90 percent of the pollution from such stationary sources as factories and power plants has been controlled. But the pollution district's deputy chief, Charles O'Malley, acknowledged that such statistics are "misleading". O'Malley said that the statistics are based on the overall percentage reduction calculated from emissions from all stationary sources both before and after controls were imposed. Such an approach, added the district's chief engineer, Robert Hilovsky, is something like adding apples and oranges. "What could be misleading about that is that the largest tonnage controlled is particulate matter [particles of pollutants such as dust]," he explained. "This is the heaviest stuff." So while the district's 1973 annual report shows that 90.8 percent of all stationary-source pollutants and 99.2 percent of the particulates have been controlled, only 37.7 percent of the carbon monoxide, 78.8 percent of organic compounds, and 32.3 percent of the oxides of nitrogen have been controlled.

Item: At a meeting of the previous California Air Resources Board, William Simmons, the board's executive director, said that the national standard of 0.08 parts per million for photochemical oxidant could not be met in the South Coast Air Basin. In November 1973, however, the regional director of the federal Environmental Protection Agency, Paul DeFalco, said that the standard is impossible to achieve "but it will be done." And Robert Lunche, chief of the Los Angeles County Air Pollution Control District, has said the standard can be met.

Item: That same fall, before the supervisors who make up the South Coast Air Basin Coordinating Council, Lunche outlined how the air-pollution problem was easing in Los Angeles. Victor-Magistrale, environmental planner for the Southern California Association of Governments, challenged Lunche on the scope of his observation and Lunche conceded that he was referring only to the downtown area.

Dr. James N. Pitts, an atmospheric chemist who is director of the Statewide Air Pollution Research Center and chairman of the technical advisory group to the Assembly Committee on Transportation, which has responsibility for air pollution legislation, warned that statistics and reports on air pollution must be considered very carefully. "The crucial point is to define what part of the basin and what pollutant you are talking about. You can't take the best station in Los Angeles. You cannot average the whole basin for a particular pollutant and you must also consider the time of year and the weather." On another occasion, Pitts was more specific:

> This area [the eastern portion of the South Coast Basin] is highest in nitrates. Azusa and Covina are high in sulfates. Pasadena is high in oxidant. The Harbor Freeway is high in lead. And the Los Angeles International Airport area is high in carbon-monoxide. Smog is many things.

In the beginning . . .

Pitts' observation counters a popular notion of just what constitutes smog in the Los Angeles Basin. The usual definition has centered on oxides of nitrogen combining with hydrocarbons in the sunlight to produce photochemical oxidant, often referred to as just oxidant, ozone (a major constituent), or "smog". Pitts explained, however, that the word "smog" is derived from smoke and fog as found in London during the 1950s and associated with a very low inversion in the winter months (like the fog that blankets Sacramento). In the Los Angeles Basin, on the other hand, the phenomenon is photochemical air pollution associated with hot, dry weather and little or no wind and an inversion of approximately 3,000 feet altitude. Consequently, he maintained, theories and control strategies based on the common definition of smog will not work in Los Angeles.

The author has written extensively on the Southern California smog problem as a member of the staff of the San Bernardino Sun-Telegram.

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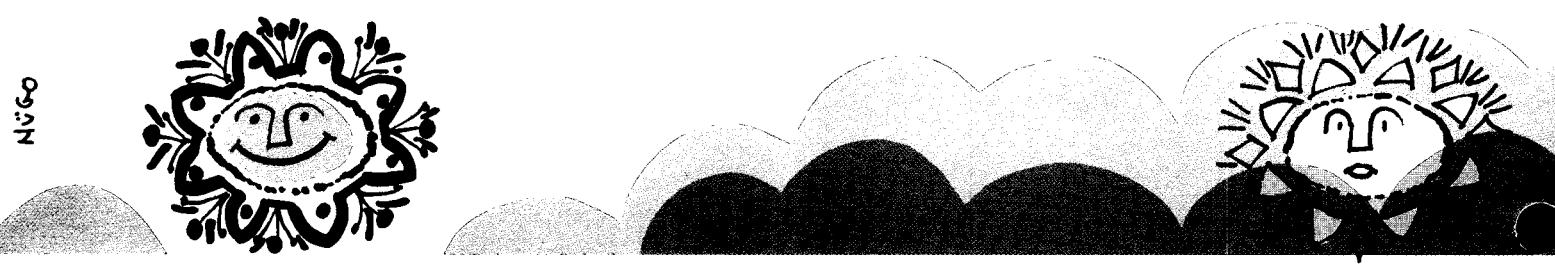

The contradictory statements concerning air pollution in the Los Angeles Basin have been endless since catalytic cracking was used in refineries in 1943 to produce additional petroleum for the war effort. That process produced olefins as a by-product, and air pollution was launched. Ever since, the question of how to deal with it has been fraught with conflict between science and politics. For example, how should the problem be attacked? And what priorities need to be assigned and by whom?

James Mayfield, supervisor for the desert area of San Bernardino County, which rests outside the Los Angeles Air Basin, is a champion of local control. Mayfield does support a regional approach to air-pollution control, however, because the problem transcends political boundaries. But Mayfield draws the line there. Linking the use of land to air-pollution control, he said, encourages such regional organizations as the Southern California Association of Governments to move toward becoming supergovernments.

San Bernardino Mayor Robert Holcomb contends that the pressure for growth and development from a small but potent sector of the electorate is too intense for elected local officials to withstand. And the depressed San Bernardino area is not adverse to economic development that creates more jobs. Yet, the Riverside County Grand Jury in 1974 reported that county supervisors could not both act as county air-pollution-control agents and still consider economic interests. The two roles, the grand jury concluded, constituted a conflict of interest.

Political leaders from Riverside and San Bernardino counties are embittered by the belief that most of the pollution fouling "their" air is exported from Los Angeles and Orange counties, and that they are being called on now to pay the price for pollution control by limiting their own economic growth. The dispute between the eastern counties of the basin and Los Angeles County, especially, is a long-standing one. And nowhere does it emerge more clearly than in the debate over whether to create a single air-pollution-control district for the entire basin.

Legislative activity

After Governor Edmund G. Brown Jr. succeeded Ronald Reagan, who had twice vetoed legislation to set up such a district, the supervisors could no longer count on a veto to stave off a basin-wide district created by the Legislature. So they moved to create a "unified" air-pollution-control district more to their liking. The unified district would allow the supervisors to establish the governing board as they wished.

Most supervisors have signed a joint-powers agreement to form the new district, known as the Southern California Air Pollution Control District, effective July 1st. Still, the unified district is far from off the ground, and the Legislature is still considering a number of bills (which have some tough sledding ahead) to create a basin-wide district stripping the supervisors — especially Los Angeles County's — of their hold on air-pollution control. Assemblyman Jerry Lewis of Riverside, for example, said that his measure (AB 250) would not deny the people of Los Angeles County equal representation, but would prohibit Los Angeles County supervisors from exercising almost complete control over the new district.

Moreover, the supervisors within the South Coast Air Basin are not united. Frank Frost, a Santa Barbara County supervisor, announced early in the debate to create the unified district that his county wished instead to form an air-pollution-control district with neighbors to the north. Ventura County Supervisor Ralph Bennet declared that his county wished to leave the basin and not join the new district. Consequently, the agreement was drawn up with a special provision for Santa Barbara and Ventura counties to withdraw directly after the unified district goes into operation. A Riverside County supervisor then saw no problem with city representation on the new boards, and a San Bernardino County supervisor declared that he would rather take his chances with the Legislature than have a district dominated by Los Angeles County.

Los Angeles' district

The Los Angeles County supervisors govern the Air Pollution Control District of Los Angeles County, the first authority of its kind and one that has done the pioneering work in research and technology and set the pattern for air-pollution control. But the district is under fire now as never before in its less-than-tranquil history. Its view of the smog problem in the South Coast Air Basin is that air pollution there is caused mostly by emissions from motor vehicles. The district's air-pollution-control strategy is therefore pegged to limiting the emissions of oxides of nitrogen and hydrocarbons from motor vehicles in a specific ratio that is least likely to form photochemical oxidants. Limiting growth and development plays no role in reducing air pollution, as district officials see it.

This notion was challenged in a 1970 report of the old technical advisory group to the state Air Resources Board and by researchers at Caltech's Environmental Quality Laboratory. Federal EPA scientists also contend that the district's control strategy is based on a much too narrow view of the air-pollution problem. These scientists believe that nothing short of an all-out strategy for the entire basin will solve the problem.

Last fall at a hearing of the Assembly Transportation Committee, Lunche acknowledged that the calculations behind the district's inventories of stationary sources of emissions were not available. And in December, LAAPCD officials again came under fire during a conference on air pollution. An EPA scientist asked the district's chief analyst, Jan Dickenson, how the agency determined which hydrocarbons formed photochemical oxidants. Dickenson had no answer and, in a reply to another question, gave the district's view that stationary sources were not taken into account because the agency believed the major problem to be motor vehicles. This view, in

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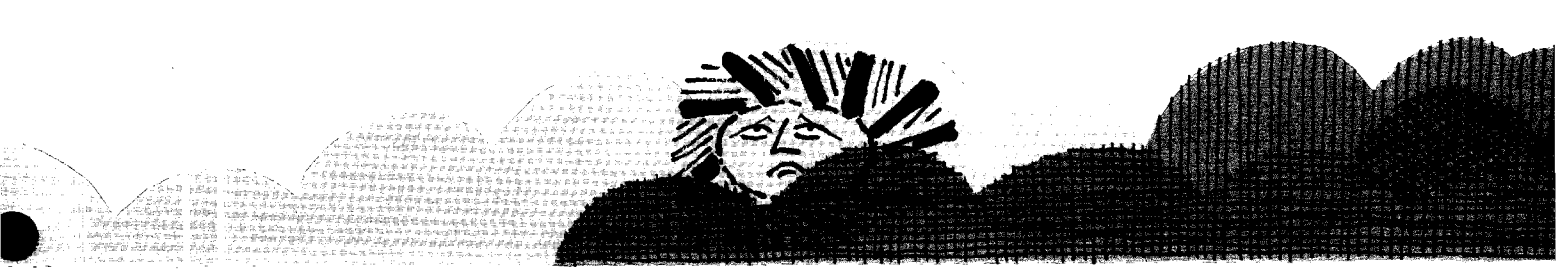

turn, was challenged by the observation that as motor-vehicle emissions come under control stationary sources are predicted to account for 75 percent of the remaining pollution. If this was so, how would the district's control strategy work then? At the same conference, an engineer blew an ill wind toward the district by revealing a study, by Meteorology Research, Inc. of Altadena, detailing a very complex movement of air pollutants throughout the South Coast Air Basin that puts eastern counties at a disadvantage in achieving clean-air standards. The report, which was commissioned by the state Air Resources Board, is just one of several, either completed or in the works, focusing on emissions from stationary pollution sources and how the contaminant is carried about the basin.

In March, the Los Angeles Air Pollution Control District found itself being criticized by the newly reconstituted state board. After an intensive, one-month study on how the Los Angeles district reviews potential stationary sources of pollution before granting authority to construct, the ARB staff concluded that the method was "no good", filled with loopholes and inadequately enforced. ARB member Robert Sawyer, a professor of engineering at the University of California at Berkeley, challenged the district's "rule of thumb" that only 10 percent of the hydrocarbons from stationary sources are considered smog-producing. The district defended the practice by contending that it has been adopted in air-pollution-control regulations in other states and that, in any case, the district pioneered in determining the reactivity of hydrocarbons. Sawyer replied that, since the proposition is still in question, it was unfortunate that a disputed rule had spread across the nation.

It may be, however, that such criticism of the Los Angeles district fails to get at the heart of the problem. After all, as friends and foes of the district point out, the district must carry out policy made by the Los Angeles County Board of Supervisors and, consequently, its air-pollution-control strategy must be tempered to meet economic and political considerations. The district, however, presents its control strategy as being based on pure science, not politics, and its reluctance to accept questioning of its theories or procedures has not endeared it to political policy-makers. (Santa Barbara County Supervisor Frank Frost once quipped, that "it appears that the LAAPCD's authority is based on Scripture.")

The district's major opponent since 1973 has been the federal EPA. At first reluctant to get involved, the Environmental Protection Agency was directed by a federal court to come up with a plan to control air pollution in the Los Angeles basin in the absence of one by the state. EPA came up with directives for gasoline rationing and surcharges on downtown parking throughout the basin — proposals it was forced to back away from. But even more of a jolt than such stringent proposals was the fact of seeing views of the air-pollution problem different from those put forth by the Los Angeles district.

Since then, however, the EPA is itself in trouble. In March, its chief, Russell Train, urged that auto-emission standards be eased, in line with the recommendation of President Ford that auto-makers had enough problems selling cars in a recession without imposing the stringent 1977 clean-air standards, too. [See "In search of blue skies: as the feds wilt, the state stiffens," *CJ*, May 1975.]

Long considered a somnolent agency, the new Air Resources Board transformed the state's attitude toward air-pollution control almost overnight. The ARB had already bucked the federal government and the auto companies when it stiffened state emission standards for 1977 counter to the EPA recommendation. ARB chairman Tom Quinn also said that the state agency will be looking to insure that local air-pollution-control districts enforce the law.

As another smog season approaches, the outlook is not encouraging. Last year, both low- and high-desert communities recorded smog levels above the state standard of .10 parts per million. The monitoring station at Upland broke down in September, provoking the quip that it just couldn't keep up with the pollution.

And yet, after 30 years of living with the air-pollution problem, it appears that additional scientific information will be needed before strategies can be based on consensus rather than politics. After a six-month exchange of views, last August EPA and the Los Angeles district reported that it would take another three years before enough data would be available to determine which agency's strategy for air-pollution control was correct for the South Coast Air Basin. "By the end of the summer of 1977, we should have sufficient aerometric data with which to evaluate or validate" the various approaches, said Lunche of the Los Angeles district.

The stakes are high. There is the as yet incalculable cost in public health, not to mention the intangible loss in discouraging needed people and funds from moving into the basin to boost a sagging economy, particularly in the eastern portions of the basin. Those costs that can be measured in dollars are astronomical. Whether one considers such indicators as the worth of building permits or the reduced county road budgets that would follow a 20 percent reduction in vehicle miles traveled, or even installation of smog devices in new cars, the amount is staggering. Moreover, air-pollution damage to agriculture runs into the hundreds of millions of dollars. Then, there are the budgets for local and state air-pollution-control agencies, funds for research institutions and awards to private companies for smog research.

And yet the problem doesn't go away. It is a bizarre sort of merry-go-round that runs in a vicious circle, with an accompaniment that is not sweet, and with no brass ring — no free ride. Air pollution may not be unique to Los Angeles, but Los Angeles' air-pollution problem is unique. Mel Zeldin of the San Bernardino County Air Pollution Control District described the situation this way: "If we circled the globe at the same latitude as Los Angeles you would find similar climatic conditions on the west coasts of the major continents. But, when you take the squeezing-in of the basin by the mountains and combine it with a small coastal area containing millions of people—as far as air pollution is concerned,that's it."

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Who speaks for the aged?

(And who listens?)

By LARRY AGRAN

More than 40 years ago, amid a burst of sloganeering, the old-age pension movement was born in California. A $50-a-month pension for the old folks – that was what journalist Upton Sinclair promised in his 1934 Democratic campaign for governor. Sinclair and his sweeping program to "End Poverty In California" went down to defeat, but the pension movement was far from dead. For a while, there was sustained support for Dr. Francis Townsend's proposal to retire everyone over 60 on $200 a month. Then, when an old-timer at a rally hollered, "We want our ham and eggs!", the Ham and Eggs movement was launched. Their slogan: "Thirty Dollars Every Thursday." The depression years were rich with the color of old-age politics. Banners. Tabloids. Initiative petitions. Mass meetings. The movement attracted its share of hucksters, some of them outright frauds, but the widespread appeal of old-age pension proposals was founded on a harsh reality: The economic hardship of the 1930s had rendered life a joyless grind for hundreds of thousands of elderly Californians.

Since then, the great wave of old-age politics subsided, and a tamer brand of old-age politics prevailed for the next 35 years. Now, all this may change. The most protracted and severe economic slump since the 1930s is giving rise to a new wave of old-age politics, one fed by a few early acts by Governor Edmund G. Brown that seemingly reflect an indifference to the plight of the aged.

Before the Brown administration was 50 days old, it dealt two unexpected blows to California's elderly, the setbacks coming in areas vital to their interests: income maintenance and medical assistance.

Income maintenance. California, like most other states, has a multi-million-dollar residual responsibility to provide supplemental cash assistance to the needy aged. Currently, approximately 300,000 aged Californians await monthly checks under the combined federal-state Supplemental Security Income program known as SSI. In 1973, when the Legislature implemented SSI in California, it effectively established a guaranteed annual income for most of the state's elderly. The Legislature approved a program of state supplements which assured each individual 65 or over a total monthly income of at least $235. In addition, lawmakers provided for future cost-of-living adjustments.

It was in executing the cost-of-living feature that the Brown administration dealt the elderly a major setback. Under a favorable interpretation of the statute, the cost-of-living adjustment to be paid on July 1, 1975, would boost most SSI grants by $24 a month. But the administration, invoking a complex rationale, fixed the increase at just $15. Reminiscent of Reagan administration years, legal services attorneys wasted no time in filing a lawsuit, charging the new administration with violating the law through executive impoundment of funds that were to go to the aged. Legal issues aside, what disturbs senior-citizen leadership most is the apparent inclination of the new administration to reach for a rationale calculated to some money at the expense of hard-pressed low-income old folks. A final court decision is probably months away, but an array of statewide organizations representing the aged have lent support to Senator George Moscone's Senate Bill 108 to restore the $9 per month and upgrade the SSI cost-of- living provision. For every $3 increase in the consumer-price index today, SSI beneficiaries get less than $1 in added benefits; Moscone's bill would guarantee a $1 increase in benefits for every $1 rise in the consumer-price index.

The Brown administration opposes the Moscone bill, arguing that the federal government, not the state, should pay for cost-of-living adjustments, a fiscal burden on the order of $70-$80 million per year. To recipients, the costs of inflation have to be paid; and if the state doesn't, then the aged themselves must. To the 300,000 elderly SSI beneficiaries in California who must live out their last years on measured monthly grants, the issue of vanishing purchasing power is of paramount concern.

The SSI program presents another issue that will soon require Brown's attention. The Governor is certain to soon receive a bill to repeal the relatives' responsibility law. At the insistence of former Governor Ronald Reagan, state law requires the adult offspring of aged recipients to make monthly payments to the state to offset its costs. The arguments voiced against the law echo those first heard back in the 1930s when the precursor of the present law was put on the books: It drives a governmental wedge into family relations, demeans the elderly, and is inconsistent with the independence and dignity that should characterize an old-age pension program.

Whether Brown would sign a bill repealing this provision is still an open question. He is said to be philosophically sympathetic to the prevailing law.

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Medical assistance. More than half a million of the state's 3 million Medi-Cal beneficiaries are senior citizens. After only a month in office, the administration disclosed a series of restrictions on dental care available under Medi-Cal. Of particular concern to the aged were regulations making it nearly impossible for the elderly to obtain needed dentures at state expense. Coverage would be denied unless the "dentures are essential to masticate foods [required] in the treatment of a specific medical condition for which the patient is currently under medical care." Almost immediately, there was a bitter reaction and, in March, there was a bureaucratic retreat. Health and Welfare Secretary Mario Obledo announced suspension of the new regulations and creation of a task force to study the question of state-funded dental services. With the announcement, most of the damage was undone, but the denture debacle served to arouse suspicion going beyond this single issue. Just where does this budget-cutting Governor stand in relation to state funded medical services? The answer is critical to the state's elderly, whose stake in Medi-Cal far exceeds their numbers among health-care beneficiaries. With old age, after all, comes faltering health and an increased need for drugs, hospitalization, and a wide range of medical services. Any generalized attempt to cut back on Medi-Cal services would hit hardest the aged.

Increasing benefits

Meanwhile, there is continuing pressure by groups representing the elderly to expand Medi-Cal services. Assemblyman Willie Brown of San Francisco, has reintroduced a measure to replace the current two-per-month limit on prescriptions and physician-visits with a more flexible *yearly* limitation of 24 prescriptions and 24 physician visits (AB 418). Governor Reagan vetoed identical bills three years in a row. Governor Brown has not yet made his feelings toward the bill known.

California's old-age constituency is greater than the state's 300,000 SSI recipients or its half-million Medi-Cal beneficiaries. There are 2 million Californians 65 years or older. While the majority of these citizens do not have to rely on the state for direct income maintenance or medical assistance, most of them are acutely aware of their diminished earning power. By the hundreds of thousands, they cling to a shrinking net worth, built up over a lifetime of labor. More often than not, the bulk of their estates is represented by the houses they live in. Accordingly, the question of property taxes looms large. In recent years, California has led the nation in providing substantial relief for aged home-owners through the Senior Citizens Property Tax Assistance Program, a state property-tax subsidy for most home-owners at least 62. Without this program, thousands of elderly people would be forced to sell their homes to meet the demands of rising property taxes.

The success and popularity of the property-tax-assistance program means that great pressure will be brought to broaden the program and increase its benefits. Likewise, the Renters' Tax Credit — a refundable income-tax credit offering a form of property-tax relief to renters, many of them elderly apartment-dwellers — is a concept destined for expansion, notwithstanding the multi-million-dollar costs to the state.

Nursing homes

Beyond these economic issues, there is another issue that grips the elderly with apprehension: the seemingly permanent scandal surrounding nursing-home care. The

Sacramento Newspaper Guild Journal

aged recoil at the prospect of being shunted off to a nursing home that violates established health standards (as well as recognized standards of human decency).

In this area the Legislature has seized the initiative. Assembly Speaker Leo McCarthy's AB 1600, shepherded through the Legislature in 1973, gave the state comprehensive authority to inspect nursing homes and issue citations for deficiencies. What remains to be done is to administer the provisions of the law aggressively on behalf of the state's 100,000 nursing-home residents. So far, that has not been the case, and in April a group of senior citizens sued the Brown administration, seeking to compel the state's health director to issue regulations necessary to enforce AB 1600. Pointing to the fact that the law is already a year-and-a-half old, James Carbray, vice president of the National Council of Senior Citizens, said: "I think we have been patient long enough. Someone is dragging their feet. They did in the Reagan administration and it's no better in the Brown administration."

Anti-old folks?

While it may be too early for firm judgments, some representatives of the aged see a developing pattern in the recent setbacks. If it persists, Governor Brown will surely have to pay a political price for his politics toward the elderly. An anti-old-folks image, laid on the young governor, would hurt indeed. There are 2.9 million Californians 60 years old or older, roughly 12 percent of the state's population. But in terms of voting power, the over-60 group accounts for about one-fourth of the electorate. Despite an absence of spellbinders to fire up the old folks the way they did in the 1930s, a number of dedicated and competent leaders are available to organize a potent old-age voting bloc.

But where are the voices of the elderly within the administration? Brown has yet to appoint a permanent director to run the Office on Aging, the executive agency specifically charged with articulating the needs of the elderly. Other key appointments with special significance for the aged have also been slow in coming. The appointments Brown has made have tended to attract favorable comment at the outset with their youthful faces and credentials reflecting an appreciation for ambitious social programs. But for the aged, the bottom line has been a series of surprisingly regressive policies. All this has raised a fundamental question: Within this administration, who speaks for the aged? For that matter, who listens to them?

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HANDICAPPED POWER

Another minority finds its political muscle

Attorney General Evelle J. Younger was riding horseback with a physician friend late last year. The occasion turned out not to be entirely social because Dr. Vernon Nickel of Downey used the opportunity to do a little lobbying. Laws had been passed five years ago, the surgeon told Younger, to prevent discrimination against the physically disabled but almost nothing had been done to enforce them. The doctor pointed out that more and more of his patients are confined to wheelchairs or required to use canes and crutches either because of Vietnam war wounds or simply because of increasingly long lifespans. These patients, he emphasized, have to confront needless physical barriers as they try to get through their everyday lives.

Younger returned to his office and discovered that one of his deputies was about to file a civil-rights action against a new Sacramento restaurant, Smuggler's Inn, for failing to provide adequate facilities for the handicapped, as required by law. The state's chief law-enforcement officer also learned that the handicapped were organizing themselves to start demanding their rights. Younger's office now is spearheading a broad campaign to clear away the physical barriers standing in the way of the disabled person's enjoyment of life.

Basic law

The problem is hardly a small one. James Claytor, the deputy attorney general heading Younger's operation, claims that there are 1.8 million Californians with physical handicaps (including vision and hearing problems but not those who are put into wheelchairs or crutches temporarily from skiing accidents and the like). The basic law requires that all facilities available to the public be built so that the handicapped can use them. This means that entrances, lavatories, water fountains and phone booths must be designed to accommodate persons on crutches and wheelchairs.

The program started with Younger's sending 500 letters to district attorneys, city attorneys, county counsels and other local officials informing them that they are charged with enforcing this law and that they had been neglecting this duty. In a friendly way, Claytor said, the letters told these officials that if they wouldn't enforce the laws the state would.

Claytor is the coordinator of an attorney general's task force with three basic missions:

- Determine whether the law for the physically handicapped is adequate.
- Decide whether the warning letters to local officials prompted action and, if not, initiate state action.
- Establish a course of action, including legislation, that might be needed to close loopholes in the present law.

The state is helpless in one major area — getting airlines to make better provisions for handicapped passengers. Some airlines now flatly refuse to take wheelchair passengers under the theory that they create a safety hazard. (PSA is an exception.) Under a proposal now being considered by the Federal Aviation Agency, airlines would be required to take as many handicapped passengers as there are exits, but these passengers could not be seated near the exits, meaning that they would have the least chance of escaping in the event of a mishap.

On the ground

Surface transportation, however, is one area in which the handicapped themselves are making a major effort. Richard Wooten, past president of the California Association of the Physically Handicapped and a high-ranking official in the state Department of Rehabilitation, led an assault on the state Transportation Board last November to push special equipment for the handicapped on buses and other mass-transit vehicles. (The Legislature insisted that facilities for the handicapped be included in the design of the Bay Area Rapid Transit system, although it increased the cost of the network significantly.) The result of the charge led by Wooten was the adoption of a statewide transportation policy giving the handicapped the same rights as the able-bodied to utilize regular public-transportation facilities and services.

Members of a Marin County wheelchair club took specific action against the Golden Gate Bridge and Highway District, filing a $1 million damage suit demanding that the district's buses be accessible to the handicapped. The problem in designing buses for those confined to wheelchairs is primarily economic. (The lift system to hoist wheelchairs to floor level, which is being devised by Rhor Industries of San Diego, for example,

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California *NEWSMAKERS*

Investigative reporters for the Los Angeles *Times* have been conducting an exhaustive search into the business and legislative lives of Lieutenant Governor **Mervyn Dymally** .... Former Congressman **John Schmitz,** American Independent Party candidate for President three years ago, is gearing up to regain his old seat in the House of Representatives as a Republican. Schmitz's successor, one-time Orange County Assessor **Andrew Hinshaw,** has been indicted on 12 counts of bribery, misappropriation of county funds and submitting false expense claims. Hinshaw holds the GOP's safest congressional seat in the state .... U.S. Senator **Alan Cranston** reported a gross income of $75,000 for 1974 and a net worth of $527,000.

Democratic Congressman **Fortney H. (Pete) Stark** of Oakland, a White former banker, has applied for membership in the House Black Caucus in an effort to provide better service to his district, which is about 35 percent Negro or Chicano .... **Egil (Bud) Krogh Jr.,** one of the first members of the Nixon White House team to go to prison, was hired as a legislative assistant by Republican Congressman **Pete McCloskey** of Santa Clara County .... **Leon Parma,** a San Diego business executive, is a member of the high-level team guiding President Ford's reelection campaign. Parma is a Ford golfing buddy and former aide to Republican Congressman **Bob Wilson** of San Diego.

Another San Diegan named **Bob Wilson,** this one a Democratic assemblyman, was criticized by members of the Joint Legislative Audit Committee, which he chairs, for initiating investigations without the knowledge of other committee members .... Former Republican Assemblyman **Richard H. McCollister,** who represented Marin and Sonoma counties for 20 years ending in 1960, died in Sacramento. He was 66 .... **Dianne Feinstein,** 41, president of the San Francisco Board of Supervisors, announced her candidacy for mayor .... Superior Court Judge **Bernard S. Jefferson** of Los Angeles County awarded two public-interest law firms — Public Advocates, Inc., and the Western Center on Law and Poverty — $400,000 each for their work in winning the landmark *Serrano* v. *Priest* school finance decision (which has yet to be finally resolved by the state Supreme Court).

Frank C. Herringer, 33, administrator of the federal Urban Mass Transportation Administration, was hired as the new general manager of the Bay Area Rapid Transit District at $68,500 a year, making him the highest paid public official in California .... **David S. Casey** of San Diego was selected as president-elect of the State Bar .... **William Kent III** resigned as chairman of the California Arts Commission because Governor Brown budgeted no funds for the commission after July 1st .... **William Penn Mott Jr.,** former director of state parks and recreation, was named chief administrative officer of the Moraga Parks and Recreation Authority in Contra Costa County.

Appointments by Governor Brown: Former Congressman and anti-war activist **Allard Lowenstein** of New York, as special assistant to the Governor (for the summer); Army Lieutenant Colonel **Frank J. Schober,** a student friend of Brown at Santa Clara University, as state adjutant general (head of the National Guard); **Charles Manfred** of Los Angeles, an educator and former executive in the defunct state Disaster Agency, as director of the state Office of Emergency Services.

adds substantially to the cost of each bus.) Because of this, the transportation industry is trying to get the federal government to pick up the tab for all extra costs of vehicles caused by special facilities for the handicapped. Current state law is supposed to require that there be no discrimination, but there is a hooker in the law: The special facilities need not be included until at least two manufacturers can compete on the equipment.

Other problems

But the attempt by the handicapped to attain equality is far from limited to transportation. There are also these problems:

Curbs. Whenever building or rebuilding streets and sidewalks, communities are supposed to construct flat corners so that the handicapped can cross easily. According to Claytor, many cities and counties have ignored this requirement. Some, like the City of Sacramento, have gone far beyond the law, and have voluntarily leveled corners even when not making other repairs.

Buildings. New buildings are supposed to be constructed with ramps or elevators to facilitate access. The key case here is the Smuggler's Inn suit in Sacramento. Younger is paying special attention to restrooms in restaurants and other public facilities. They should be large enough so that a wheelchair can maneuver in them.

Employment. The law forbids discrimination solely on the basis of a handicap, but the Fair Employment Practices Commission has found this hard to enforce, according to Claytor.

Education. The handicapped complain that they are too often segregated into special schools and special classes when there is no sound educational reason why they shouldn't be in the same classes as able-bodied youngsters.

Second-class citizens?

Despite the efforts of leaders like Wooten and Claytor, relatively little has yet been accomplished. To protest, Danny O'Hara, a newcomer to the wheelchair, took a 180-mile trip to Sacramento, covering 12 miles a day in his chair and spending the nights in fire stations. He says that he has been made into a second-class citizen: "You can't get an apartment because the wheelchair won't go through the doors. A curb-ramp law was passed seven years ago, but you seldom see any ramps. Supermarkets are impossible with their high shelves and posts out front that block our entrance. Public bathrooms don't have proper facilities. And movie houses are a disaster."

Research for this article was contributed by Ben Keppel, a 14-year-old Sacramento student editor born with cerebral palsy.

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Undoing the damages

The state Supreme Court divided along unusual lines in a major 4-3 decision allowing the owner of a vehicle, riding as a passenger in it, to obtain damages from a negligent driver. The majority opinion was written by Justice Mathew Tobriner, who was joined by Justices Stanley Mosk and Marshall McComb and retired Justice Louis Burke (sitting on assignment). Tobriner and Mosk are members of the court's liberal group; McComb is at the other end of the spectrum, while Burke is considered to be a moderate conservative. The dissenters were Chief Justice Donald Wright, who often goes with the liberals, Justice William P. Clark, a conservative, and Justice Raymond Sullivan, a liberal.

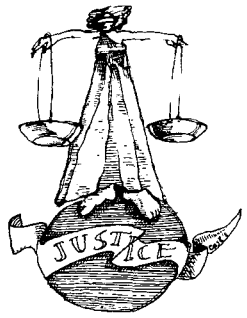
Two years ago, the court voided a Vehicle Code section prohibiting guest-riders from suing host-drivers for injuries resulting from the driver's negligence. The new ruling declares unconstitutional another section of the Vehicle Code covering owners riding in cars driven by others. "The mere fact of ownership can no more serve as a basis for depriving one of a negligence claim than can the status 'automobile guest'," Tobriner wrote. Only a month earlier, the court had made an even more far-reaching decision in allowing individuals partially at fault in an accident to sue parties more at fault, thus abandoning the California contributory-negligence law in favor of a system of comparative negligence. The net effect of this series of cases will be to allow more Californians to collect damages resulting from auto accidents.

In *Schwalbe* v. *Jones,* the majority rejected three basic arguments in favor of the current law preventing owner-passengers from suing negligent drivers: that the law encouraged owners to permit others to drive their vehicles, that it prevented fraudulent collusion between owners and drivers, and that it induced owners to use care in selecting drivers. The decision stated that "there is no more danger of a fraudulent claim being filed by an owner-occupant than by a non-owner-occupant."

The dissent argued that the Legislature wrote the law as an extension of the rule that an owner who drives himself cannot recover from his own negligence. Sullivan pointed out that any recovery would necessarily be at the expense of the "surrogate driver" and not of the owner or his or her insurance company.

Clarifying sentences

In another 4-3 decision along more traditional lines, the court issued a decision interpreting California's controversial indeterminate-sentence law for those sent to state prison. The court upheld the validity of the law but made it clear that the term appropriate for each



offender must be set within a "reasonable time". The ruling concluded, in *People* v. *Wingo,* that under certain circumstances the maximum penalty of life imprisonment for assault with a deadly weapon might constitute cruel and unusual punishment.

The majority opinion, written by Mosk, held that if the Adult Authority fixes a term disproportionate to the offense or fails to set a term, the prisoner can seek judicial relief. Further, the court ruled that if the authority fails to fix a term it is assumed that the maximum (in this case life) was intended.

Charles Wingo was convicted of an assault likely to produce great bodily harm, an offense carrying an indeterminate sentence of six months to life. His term was not set, and he appealed to the court with the claim that he had in effect been given life and that this was cruel and unusual punishment. Mosk found that, in Wingo's case, the offense was one covering a wide range of conduct and it was therefore incumbent on the Adult Authority to set the sentence within a reasonable time. Otherwise, a drunken person who swings at someone in a barroom brawl but misses conceivably could draw a life sentence, the decision noted. Mosk was joined by Wright, Tobriner and Sullivan.

Justice Clark, in dissent, argued that the court should not use this kind of a case to alter the indeterminate-sentence law so drastically in requiring that maximum terms be set promptly and irrevocably. He was joined by Justices McComb and Frank Richardson. Richardson, in a separate dissenting opinion, emphasized that the Legislature is better equipped than the court to change the system. At the time the opinion was issued, the Legislature was considering a measure to ban indeterminate sentences.

Sex and commitment

In a third 4-3 decision, the court ruled in three companion cases (*People* v. *Burnick, Feagley, Bonneville*) that no person may be committed as a mentally disordered sex offender except by a unanimous verdict of a jury based on proof beyond a reasonable doubt. The majority held that commitment is such a drastic impairment of liberty and reputation that it must be justified by the criminal standard of proof rather than by the civil standard of preponderance of the evidence. Moreover, the court said, the commitment must be by unanimous verdict rather than by the three-fourths rule applying to civil cases.

All three majority opinions were written by Mosk and concurred in by Wright, Tobriner and Sullivan. Burke (sitting on assignment) wrote all three dissents, joined in two cases by McComb and Clark and in the third by McComb and Appeals Court Justice Parker Wood (also sitting on assignment). Justice Burke said that in these cases "the court and jury must necessarily be guided in large part by psychiatric opinion which, by its very nature, is seldom conclusive beyond any reasonable doubt."

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NEWSBRIEFS

Procunier receives indeterminate sentence as probation chief

Raymond Procunier, former director of corrections under Ronald Reagan, received a sort of indeterminate sentence from the California Senate last month as his nomination by Governor Brown to be chairman of the Adult Authority was sent back to committee. The Rules Committee had recommended that Procunier's appointment not be confirmed. Rather than precipitate a floor fight between the Democratic majority and the Democratic Governor, the upper house voted to refer the subject back to the committee. That enables Procunier to serve on a year-by-year basis — not unlike an indeterminate sentence, a practice he says he no longer supports for convicts.

Procunier ran into trouble in a controversy over his administration of the state prison system. A faction led by Senator Nicholas Petris of Oakland maintained that his leadership had run counter to the desire of the Legislature in that it cut the stream of inmates returning to society via probation programs. The director, working for the relatively hard-line Reagan administration, was caught between factions of society wanting to release the maximum number of convicts and those wanting to tighten up parole policies. [See "The great prison debate: man in the middle," *CJ*, July 1974.]

State wine agency decides to let winerres do the job

Since 1938, the state has had an interest in the promotion of wine. The Wine Advisory Board, which existed on a cent-a-bottle levy, voted last month to go out of existence with the present fiscal year June 30th, leaving the vineyard in care of the industry's California Wine Institute. The fact that the state auditor general was investigating the public board and its relations with the wine industry had nothing to do with the decision, according to Board Chairman Ernest Haas. Rather, the purpose was to eliminate "needless duplicity" of administrative chores, said a spokesman, meaning, perhaps, ending duplication between the public and private organs. When the state got involved in the wine industry, the vineyards were in a brambles after years of Prohibition. Today's wine industry is the national leader in wine production, and yet still enjoys infant-industry attentiveness from the state. [See "The whining wineries: Squeezing more revenue out of grapes," *CJ*, March 1974.]

Special election set to fill Assembly seat vacated by Greene

When Assemblyman Bill Greene of Los Angeles moved into the upper house earlier this spring it left a vacancy in the 47th Assembly District. Governor Edmund G. Brown Jr. called a special election for June 17th to fill the empty seat. If no candidate wins a majority in June, a runoff will be held July 17th.

Anticipated surplus melts as tax revenue slips in recession

In January when Governor Brown submitted his 1975-76 budget, he predicted a surplus at the end of that fiscal year of $574 million (including federal revenue-sharing funds). But higher-than-anticipated school-support needs and lower-than-anticipated tax revenue have taken their toll, Finance Director Roy Bell reported last month. The revised estimate left an anticipated surplus of only $348 million in a budget of $11.1 billion. And Bell wasn't firm on that figure. "We are predicting a third-quarter upturn before it has become a reality," he said. "I would much rather have revised our figures next August. However, the budgetary timetable requires us to estimate now." The budget bill is to be enacted by June 15th.

FRESNO, continued from page 201

his vigorous backing of legislation to transport northern water south of the Tehachapis.

But unlike the water, valley voters are still having trouble finding their own level, although there have been some positive signs, thanks mainly to reapportionment and to a gradual growth in sophistication brought on by urbanization. Three years ago at a conference of mayors, Fresno's confidently predicted to a reporter for a news magazine that his city would unquestionably go for Nixon in 1972. While the *county* was carried by a GOP presidential nominee for the first time, the *city* voters went with George McGovern. Five years ago, Hugh Burns came out of retirement to seek the Democratic nomination for secretary of state and couldn't carry his home county.

Apathy and impotence

Still, voter registration and turnout continue low throughout the area, ranging from miserable to poor. In Tulare County, the percentage of those considered eligible to vote who actually do is around 35 percent, the lowest in the state; Fresno County isn't much better at 41 percent.

Party loyalty is divided. Among Republicans, 90 percent consistently vote for their party's candidate. Among Democrats, it's something else. In the valley, a 57 percent Democratic district is rated a toss-up for a Democrat. Official party structure verges on impotency. Madera County doesn't even have a Democratic Central Committee because nobody bothered to run for it. In Fresno County, both committees have been split and generally ineffective, the Democratic run by the liberal wing, the Republican by the conservatives.

Some people, after surveying the crop of candidates that keeps emerging year after year, are convinced that nomination-filing time invariably coincides with the full phase of the moon. Maybe. And yet, for the first time in the country's history the voters this year elected a woman to the Fresno County Board of Supervisors. Then, in the municipal election, throwing caution completely to the funny political winds, they opted for a 26-year-old councilman, the youngest in the city's history.

What do you say to that, Bill Saroyan?

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ROLL CALL

The do-everything Legislature

You've heard of the do-nothing Congress. Well, this may be the year of the do-everything Legislature. Armed with a massive backlog of proposals that fell by the wayside during the Reagan years, the Democratic majority started moving major measures in May as abruptly as the Sacramento weather turned from winter to summer.

Perhaps the most dramatic action — certainly the sexiest — was passage by the Senate of the so-called homosexual bill of rights, a bill first introduced seven years ago by Assemblyman Willie Brown of San Francisco. The key vote on the measure, which eliminated penalties for private sexual activity between consenting adults, came in the Senate. The vote was tied 20-20, and Lieutenant Governor Mervyn Dymally was flown back to Sacramento from Colorado to break the tie and make it possible for the bill to reach Governor Brown (who signed it almost the moment it hit his desk, thus minimizing time for opposition heat to mount).

What the public was not told was that any of the 20 senators who voted no could have killed the bill merely by not voting, which would have denied Dymally, a known supporter of the bill, an opportunity to vote. (The lieutenant governor is allowed to vote only in 20-20 situations, and 21 affirmative votes are needed to pass a measure.) Those who voted no either did not feel such a procedure was proper, didn't care enough to abstain, or really wanted the bill to pass but preferred being recorded on the no side for political reasons.

Assemblyman Brown's bill repeals laws against oral copulation and sodomy by willing adults in private. It also increases penalties against adults committing these acts with minors and against prisoners who use them. Sexual acts with animals and prostitution remain illegal. A group of conservative church members calling themselves the Coalition of Christian Citizens announced the start of a referendum campaign to put the issue before the electorate. But there was a gamble in the group's action: Suppose the measure were upheld by a large margin. Wouldn't that be an invitation for the Legislature to go further in the elimination of so-called victimless crimes, such as the legalization of prostitution?

Other action

Among other major measures moving in the Legislature last month:

Indeterminate sentences. By an overwhelming margin, the Senate approved a bill by Senator John Nejedly of Contra Costa County requiring judges to sentence most felons to fixed prison terms, thus repealing the state's controversial indeterminate-sentence practice.

Marijuana. The liberalized pot measure by Senator George Moscone of San Francisco was held up temporarily in the Assembly after the Republican caucus formally opposed it, removing any GOP potential votes in support. But Speaker Leo T. McCarthy expressed confidence that he would eventually muster the 41 votes needed for passage.

Oil-depletion allowance. Following the lead of Congress, the Legislature ended the $43-million-a-year depletion allowance for major oil firms. Governor Brown signed the bill by Assemblyman Bill Lockyer of Alameda County.

Drugs. A bill by Assemblyman Barry Keene of Eureka allowing pharmacists to substitute low-cost "generic" drugs for brand-name prescriptions cleared its first Senate hurdle.

Housing. After months of maneuvering, the Legislature seemed poised to pass a major bill putting the state into the business of financing housing for persons of low-to-moderate income.

Students. The governor signed bills allowing school boards to permit smoking on high-school campuses and to exempt juniors and seniors from physical-education classes.

Salary increases

As the budget decision time neared, it appeared that a major issue would be how the state would spend the salary-increase funds allocated in the budget, the equivalent of an 8.5 percent across-the-board raise. Brown expressed support for lower-paid employees who sought boosts of about $100 a month for all workers, regardless of salary. The California State Employees Association opposed the plan. Lower-paid employees made significant progress in another area with the Assembly's passage by unanimous vote of a bill requiring that at least 25 percent of the persons put into entry-level managerial and professional posts come from the lower ranks.

The Governor continued to examine every bill in detail as it reached his desk. He has been allowing some to become law without his signature and has been issuing pithy veto messages when he returns a measure unsigned. Consider, for example, his veto of a measure allowing garbage and refuse-disposal districts to change their names: "The present law accurately states the case. I see no compelling reason to sanction yet another governmental euphemism."

CORRECTION

In last month's Senate votes, p. 177, a typographical error resulted in erroneous voting records for nine senators. These are the correct votes:

	SCA 12	SB 146	SB 476	SB 95	SB 330	SB 386	SB 274	SCA 6	SB 106	SB 184	SB 231	SB 363
Greene (D)	—	—	Y	—	—	*	Y	Y	*	Y	Y	Y
Gregorio (D)	Y	Y	N	Y	Y	Y	Y	Y	Y	*	Y	Y
Grunsky (R)	Y	N	Y	N	N	Y	N	N	Y	Y	N	N
Holden (D)	Y	*	Y	Y	Y	*	Y	Y	Y	Y	Y	Y
Holmdahl (D)	Y	Y	Y	N	Y	Y	N	N	Y	Y	Y	Y
Kennick (D)	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N
Marks (R)	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	N
Mills (D)	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
Moscone (D)	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y

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Senate

BUSINESS

AB 177 (Lockyer) — Eliminates oil-depletion allowance for major petroleum companies. Passed 30-9.

SB 334 (Alquist) — Prohibits public utilities from including political advertising costs in their rates. Passed 22-15.

SB 474 (Moscone) — Prohibits oil distributors from offering the same products to customers at various prices to lessen competition. Passed 29-7.

EDUCATION

SB 16 (Gregorio) — Permits high-school juniors and seniors 16 or older to be exempted from physical-education courses. Senate accepted Assembly amendments 25-6.

SB 220 (Rodda) — Provides $173 million in additional funds for public schools, effective July 1st. Passed 27-2.

SB 527 (Rains) — Permits school districts and special districts to limit campaign expenditures and contributions for district elections. Passed 27-12.

HEALTH

SB 395 (Beilenson) — Allows minors to obtain contraceptives without their parents' consent. Passed 22-15.

SJR 5 (Dills) — Requests Congress and the federal Food and Drug Administration to consider banning aerosol containers. Adopted 21-12.

JUSTICE

SB 486 (Carpenter) — Imposes the death penalty on a prison inmate convicted of the first-degree murder of another inmate. Passed 23-11.

AB 489 (Brown) — Repeals criminal penalties for certain sexual acts done by consenting adults in private. Passed 21-20 (with Lieutenant Governor Dymally casting the tie-breaking vote).

LOCAL GOVERNMENT AND HOUSING

SB 2x (Zenovich) — Creates state Housing Finance Agency and provides for issuance of $500 million in revenue bonds to finance housing for persons of low and moderate income. Passed 31-6.

SB 576 (Dunlap) — Permits cities and counties to condemn land for open-space purposes. Passed 21-16.

VOTING RECORDS

Listed here are the votes of legislators on recent major roll calls through May 18th. Votes selected involve issues of major importance, issues on which there was a major division of opinion, or both.

Y — Yes
N — No
★ — Absent or not voting

A ⅔ vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority.
⅔ = 54 votes.

Senate: 21 votes required for passage of bills needing a simple majority.
⅔ = 27 votes.

SENATE (25 D, 15R)	AB 177	SB 334	SB 474	SB 16	SB 220	SB 527	SB 395	SJR 5	SB 486	AB 489	SB 2x	SB 576
Alquist (D)	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Ayala (D)	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	N
Behr (R)	Y	*	Y	*	*	Y	Y	*	*	Y	Y	Y
Beilenson (D)	Y	Y	Y	Y	*	Y	Y	Y	N	Y	Y	Y
Berryhill (R)	Y	N	N	N	*	Y	N	Y	Y	N	N	N
Carpenter (R)	*	N	N	*	Y	N	*	N	Y	N	*	*
Collier (D)	Y	N	Y	Y	Y	N	N	*	Y	N	Y	N
Cusanovich (R)	N	N	Y	*	Y	N	N	Y	N	N	N	N
Deukmejian (R)	N	N	N	Y	N	N	N	Y	N	N	N	N
Dills (D)	Y	N	Y	Y	Y	Y	Y	*	Y	Y	N	N
Dunlap (D)	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
Garcia (D)	Y	Y	*	Y	Y	*	Y	Y	Y	Y	Y	Y
Gregorio (D)	Y	Y	*	*	*	*	Y	N	Y	Y	Y	Y
Greene (D)	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
Grunsky (R)	N	N	*	Y	N	Y	N	Y	N	Y	Y	N
Holden (D)	Y	*	Y	Y	Y	*	Y	Y	N	Y	Y	Y
Holmdahl (D)	Y	Y	*	N	Y	Y	N	Y	N	Y	Y	N
Kennick (D)	Y	Y	Y	*	Y	N	*	Y	N	Y	Y	Y
Marks (R)	Y	Y	*	Y	*	N	Y	Y	N	Y	Y	Y
Mills (D)	Y	Y	Y	*	Y	Y	Y	N	Y	Y	Y	N
Moscone (D)	Y	Y	Y	*	Y	Y	Y	N	Y	Y	Y	Y
Nejedly (R)	Y	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
Petris (D)	Y	Y	Y	Y	Y	Y	Y	*	N	Y	Y	Y
Presley (D)	Y	Y	*	Y	Y	Y	Y	N	Y	Y	N	N
Rains (D)	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
Richardson (R)	N	N	N	N	N	N	N	N	Y	N	N	*
Robbins (D)	Y	Y	Y	*	Y	Y	Y	*	Y	*	Y	Y
Roberti (D)	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
Rodda (D)	Y	*	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
Russell (R)	N	N	N	N	Y	N	N	Y	N	Y	N	N
Schrade (R)	Y	N	Y	Y	N	N	N	Y	N	Y	N	N
Smith (D)	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
Song (D)	Y	Y	Y	*	Y	Y	Y	*	Y	Y	Y	Y
Stevens (R)	Y	Y	Y	*	Y	Y	N	Y	N	Y	Y	N
Stiern (D)	N	Y	Y	N	Y	N	N	Y	N	Y	N	N
Stull (R)	N	N	N	N	Y	N	N	Y	N	Y	N	N
Way (R)	N	N	Y	Y	N	N	Y	Y	N	Y	N	N
Wedworth (D)	Y	Y	Y	Y	Y	Y	Y	N	N	Y	*	*
Whetmore (R)	N	N	N	N	*	N	N	Y	N	Y	N	N
Zenovich (D)	Y	N	*	Y	*	Y	N	Y	Y	N	Y	Y

Assembly

BUSINESS

AB 234 (Rosenthal) — Abolishes deficiency judgments following repossession of non-business motor vehicles. Passed 44-23.

AB 450 (Fenton) — Bans oil refiners from terminating a gasoline dealer's franchise without good cause. Passed 51-17.

AB 517 (Wilson) — Repeals law permitting increases in fees for loans by personal property brokers. Failed 35-33 (41 aye votes required).

AB 950 (Papan) — Prohibits oil distributors from offering the same products to customers at various rates to reduce competition. Passed 62-7.

EDUCATION

SB 171 (Gregorio) — Permits high schools to allow students to smoke in designated areas. Passed 41-35.

AB 207 (Vasconcellos) — Guarantees a student's right of free speech in student publications. Passed 50-12.

EMPLOYMENT

AB 429 (Cline) — Prohibits public agencies from using lie-detector tests on prospective employees. Passed 49-18.

INSURANCE

AB 818 (McAlister) — Creates a pool to provide medical malpractice insurance where coverage is otherwise unavailable. Passed 68-1.

AB 878 (Murphy) — Provides for a more restrictive statute of limitation for medical malpractice suits. Passed 46-14.

SB 491 (Behr) — Establishes a system for state underwriting of medical malpractice insurance policies. Passed 54-18.

JUSTICE

AB 489 (Brown) — Repeals criminal penalties for certain sexual acts done by consenting adults in private. Assembly accepted Senate amendments, 46-28.

AB 578 (Z'berg) — Repeals ban against hiring certain ex-felons as police officers. Passed 50-14.

AB 681 (Siegler) — Permits exemption from jury service only on grounds of undue hardship. Passed 51-20.

AB 1002 (Arnett) — Requires probation officers to be college graduates. Failed 11-56.

SB 95 (Moscone) — Reduces penalties for possession of marijuana. Failed 37-36. (Reconsideration granted.)

LOCAL GOVERNMENT

ACA 37 (Siegler) — Would reduce majority needed to pass local bond issues from two-thirds of the voters to 60 percent, if approved by the electorate next year. Adopted 56-16.

AB 625 (Knox) — Would create a Bay Area regional planning agency. Passed 41-28.

MISCELLANEOUS

AB 23 (Ralph) — Enacts an open-records act for Legislature and Governor's office. Passed 67-3.

AB 554 (Burke) — Repeals a law permitting couples living together to be married without obtaining health certificates. Passed 48-19.

AB 753 (Burke) — Requires that flags used at polling places be made of cloth. Failed 40-24 (41 ayes required).

(VOTING RECORDS, next page)

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ASSEMBLY (54 D, 25R)	AB 234 AB 450 AB 517 AB 950 SB 171	AB 207 AB 429 AB 818 AB 878 SB 491	AB 489 AB 578 AB 681 AB 1002 SB 95	ACA 37 AB 625 AB 23 AB 554 AB 753
Alatorre (D)	YYYYY	YYY*Y	YYYNY	YYYNN
Antonovich (R)	NNNNN	NNYYY	NNYNN	NNYYY
Arnett (R)	*YNYY	YNYYY	Y*NYN	NYYYY
Badham (R)	*NNNN	NNYYN	NN*NN	NNYYY
Bane (D)	YYYYN	YYYYY	YYYYN	YYYYY
Bannai (R)	NNNNN	Y*YYY	NYYYN	YNYYY
Berman (D)	YYYYY	YYYYY	YYYNY	YYYNN
Beverly (R)	YNNYN	YNY*Y	YYNNN	N**Y*
Boatwright (D)	*YYYN	YNYYY	NNNNY	YNYYN
Briggs (R)	N*NNN	Y***N	NNYNN	N****
Brown (D)	***YY	YY**Y	Y***Y	*YY**
Burke (R)	NNNNN	*NYYN	NNNNN	NNYYY
Calvo (D)	YYYYN	YYYY*	YYYNY	YYYYY
Campbell (R)	N*NYN	NNYYN	N*YNN	NNYYY
Carpenter (D)	YYYYY	YYY*Y	YYNNN	YYY*N
Chacon (D)	Y*N*N	YYYYN	YYYNY	YYY*Y
Chappie (R)	NNN*Y	***YY	N*Y*N	*NYYY
Chel (D)	YY*YN	YYYYY	*YYN*	YYYN*
Chimbole (D)	NYYYY	*YY*Y	N*YNN	YNYY*
Cline (R)	**NN*	N***Y	N***N	*****
Collier (R)	NNN*N	NNYYY	NNNNN	NNYYY
Craven (R)	*Y**N	*NYY*	***N*	*NYYY
Cullen (D)	Y*NYY	Y*NYN	*NYNY	YYN**
Davis (D)	NYYYN	*YY*Y	NNYNN	YNYYY
Deddeh (D)	YYNYN	YYYYN	YYYNY	YYYYY
Dixon (D)	*YYYY	YYYYY	Y***Y	YYYN*
Duffy (R)	YYYYN	NYYYY	Y*YNN	YNYYY
Egeland (D)	YYNYY	YYYNY	YYYNY	YNYYN
Fenton (D)	YYYYN	YYYYY	YYNNN	YYYYN
Foran (D)	YNNYY	YYYYY	YYNNY	YYYNN
Garamendi (D)	YYYYN	YYYNY	NYYNY	Y*YYN
Goggin (D)	YYYYY	*Y*YY	YYYNY	YYYYN
Greene, L. (D)	YNNYY	*YYYY	YYNNY	YYYN*
Gualco (D)	YYYYY	YYY*Y	Y*NNY	YYYNY
Hart (D)	YY*YY	YYY*Y	YYYNY	YYYYN
Hayden (R)	YY*YN	Y*YYN	N*YNN	*NYYY
Ingalls (D)	NYYYY	Y*YN*	YYNYY	YYYY*
Kapiloff (D)	YYYYY	YYYNN	YYYNY	YYYNN
Keene (D)	YYNYY	YYY*Y	YYYNY	YNYYN
Keysor (D)	*YNYN	YY*YY	YYYNY	YYY*Y
Knox (D)	Y***Y	**YY*	*YYY*	YY***
Lancaster (R)	NNN*N	NNYY*	NNN*N	NNYYY
Lanterman (R)	NNNYN	NNYYY	NNNNN	N*Y*Y
Lewis (R)	*YNYN	YNYYN	NY*NN	*NYYY
Lockyer (D)	YYYYY	YYYYY	YYYNN	YYYNN
MacDonald (D)	NYNYN	*NYYY	YYYNY	YYYYY
Maddy (R)	NYNYY	YYYYY	YYYY*	YYNYY
McAlister (D)	YYNYN	YYYYY	NNYYN	YYYYN
McCarthy (D)	*Y*YY	YYYYY	YYY*Y	YY*YY
McLennan (R)	NNN*N	NNYY*	N***N	*NYYY
McVittie (D)	NYY*Y	YYYNY	NYYNN	YYYNY
Meade (D)	YYYYY	YY*NY	YYYNY	YYYNN
Miller (D)	YYYYN	*YYNY	YYNNY	YNYNN
Mobley (R)	NNNYN	NNYYN	N*Y*N	*NYYY
Montoya (D)	YYN*Y	Y*Y*N	YYY*N	Y**NY
Mori (D)	YYYYY	YYYYY	NYYNN	YYYYN
Murphy (R)	NN*NY	YYYYN	YYNN*	NNNYN
Nestande (R)	NYNYN	NNYNN	NYNYN	*NYYY
Nimmo (R)	NNNYN	NNYYN	YNYNN	NNYYY
Papan (D)	NYYYN	YYYYY	YYYYY	YYYYY
Perino (D)	Y*YYY	*YY*Y	NYNNN	YYYNN
Priolo (R)	NN*YN	YNYYY	YNYNN	NNYYY
Ralph (D)	Y*YYY	*YYYY	YYYNY	YYY**
Robinson (D)	YY*Y*	Y**YN	NNYNN	Y*YYY
Rosenthal (D)	YYYYY	YYY*Y	YYYNY	Y**NN
Siegler (D)	YYYYY	*YYNY	YYYNY	YNYNY
Sieroty (D)	YYNYN	YYYNY	YYNYY	YYYYN
Suitt (D)	YYYYY	YYYNY	NYYNN	YYYY*
Thomas, V. (D)	*****	*****	*****	*****
Thomas, W. (R)	NYNYY	YYY*N	NYY*N	YNYYY
Thurman (D)	YYNYY	YYYYY	NYNNY	YNYYY
Torres (D)	YYYYY	YYY*Y	YYYNY	YYYNN
Tucker (D)	YYYYY	YYYYY	Y*YNN	YYYY*
Vasconcellos (D)	Y*YYY	Y**NY	YYYNY	YYY*N
Vicencia (D)	YYYYY	*YY*Y	YYYNY	Y**YY
Warren (D)	YNYYY	*YY*Y	YYYNY	YYYNY
Wilson (D)	*YYYN	*YYNN	YYYNY	YYYYY
Wornum (D)	YYYYY	YYYYY	YYY*Y	YYYYY
Z'berg (D)	YYYYY	YYYNY	YYNYY	YNYNN
(one vacancy)				

Selected government reports

State and Local Government Purchasing: by the Council of State Governments, Iron Works Pike, Lexington, Ky 40511. Concludes that purchasing authority in state or local government promotes centralization of responsibility and accountability.

This is California: Please Keep Out! by Art Seidenbaum (Peter H. Wyden/Publisher, New York, $7.50). An entertaining book in defense of Westerners by the Los Angeles *Times* columnist.

State Legislative Appropriations Process; by the Council of State Governments. 1975. An extensive study of theories and practices of American legislatures with respect to fiscal problems and authority. ($8)

A New Resource for Welfare Reform: The Poor Themselves; by Hope Hughes Pressman, Institute of Governmental Studies, UC Berkeley. The pitfalls and success of efforts to help the poor through self-help. 124 pp.

More Than Survival: Prospects for Higher Education in a Period of Uncertainty; Carnegie Foundation for Advancement of Teaching (Jossey-Bass, Inc., San Francisco, $6.95). A new vision of policy for higher education.

Blueprint for Clean Air: A Survey of Smog Control Strategies for the Los Angeles Basin; Institute of State and Local Government, Claremont Men's College, Claremont 91711. A study prepared for several clean-air groups.

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A WASHINGTON PERSPECTIVE...

By Lou Cannon

The Reagan threat

The guest lists of White House dinners are now dotted with the names of Californians. David Packard of Hewlett-Packard and Palo Alto has been quietly slotted for the key position of finance director on the still-to-be-announced Ford election committee. Leon Parma of Teledyne Corporation and San Diego has joined the pre-campaign planning group. The California-based firm of Decision Making Information has been hired by the Republican National Committee at White House request to do the President's polling.

This new emphasis on California in an administration supposed to be based in Vail, Colorado, in the winter and Grand Rapids, Michigan, the rest of the time is the best, if somewhat backhanded, compliment that Ford's strategists are capable of paying to the still unresolved candidacy of Ronald Reagan. It is now the flat assumption of these strategists, if not of the President himself, that Ford's campaign for a full term must be based on the likelihood that Reagan will be a candidate. From that assumption flows the inevitable conclusion that California, the home-state base Reagan needs to mount a serious candidacy, must be observed, understood and, if necessary, fought for by the President.

This new-found emphasis does not mean that the President regards a struggle for the Republican Party nomination as inevitable. Ford has said privately, and his close friend Melvin R. Laird has said publicly, that they do not anticipate a Reagan candidacy. Furthermore, there is genuine confidence in the Ford camp that the President, possessing all the resources of incumbency, can win the nomination no matter who challenges him. But the President's strategists, including Laird, also understand that an incumbent Republican President who had to overcome a serious challenge to gain his nomination would be unlikely to win the election that would follow.

Accordingly, Ford has now embarked on a strategy that he hopes eventually will convince Reagan against becoming a candidate. It was with this aim in mind that the Fords invited the Reagans to a private dinner during the President's controversial Easter Week vacation in Palm Springs. "The Governor really likes Ford," a Reaganite said afterward with a small shake of his head. It was the only purpose of the dinner and perhaps the most lasting accomplishment of Ford's trip.

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Reagan is essentially a party loyalist who stood by Helen Gahagan Douglas against Richard Nixon in the bitter 1950 Senate campaign when Reagan was a Democrat. Last year he stood by Nixon at a time when other Republicans were speaking out or holding their noses.

There is a growing belief among conservatives in Washington, including even a few GOP congressmen who favor Reagan, that the former California Governor has no stomach to be a party wrecker and will wind up supporting Ford after several more months of pressuring him from the right.

But the potential seriousness of a Reagan challenge, should Ford stumble or the recession fail to end, is no longer subject to dispute. A poll taken by DMI for a Washington-based conservative organization shows Ford to be the first choice for President of only 40 percent of Republican voters, with Reagan a relatively strong second at 25 percent. And a private Republican National Committee survey showed Reagan leading Ford for the nomination in 14 states, including California.

It is this prospective Reagan threat that prompted Ford to nudge old pol Dean Burch into the chairmanship of his pre-campaign committee. Any man who was GOP national chairman during the Barry Goldwater debacle of 1964 and whose latest achievement was to counsel Richard Nixon on the way out would seem to have serious marks against him for even the temporary chairmanship of a national campaign. Only last summer, after all, Burch was describing the House Judiciary Committee as "a lynch mob" and the impeachment proceedings as "a black mark on jurisprudence". But Burch retains ties with conservatives across the country and the friendship and good offices of Senator Goldwater, whom Ford's strategists arecounting on to defuse any Reagan candidacy. In the early going, at least, Goldwater has been doing exactly what the President wants him to do by pledging his support to Ford and throwing cold water on talk of a Reagan candidacy.

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Looking farther down the track, Packard's demonstrated financial and managerial abilities may be even more important than Burch's Goldwater connection. Burch is expected to fade quietly back into the Washington woodwork at the appropriate moment. Packard, with a personal wealth exceeding $300 million and a reputation for competence, probably will stick around to raise most of the $10 million that a presidential candidate is now allowed to raise before the nomination. Certainly, there are a number of other people who could raise the money. But Packard's presence as finance chairman accomplishes two additional things: It denies Packard's services to his friend Reagan, and it enables Packard to raise money from the very California conservatives who might otherwise contribute to the former Governor. This is not a small loss to Reagan, who under the new campaign-finance law would need support far more broad-based than the few millionaire backers who financed his 1968 presidential fling.

So the effect of the Reagan threat, whatever Reagan ultimately decides, already has had consequences for the Ford administration. Ideologically, it has kept up pressure for the strong cuts in defense and domestic spending Reagan espouses. Politically, it has helped the Lairds and the Senator Robert Griffins and the Donald Rumsfelds to convince the President that he cannot afford to let his nomination take care of itself.

This is a useful service for an unelected President who never has contested for anything bigger than a safe Republican congressional district in western Michigan. Or, as one Ford strategist put it last week; "If we didn't have a Ronald Reagan, we'd have to invent him."

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